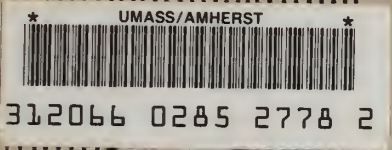


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MASS. ACTION PLAN

1973

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MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS

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MASSACHUSETTS ACTION PLAN

Prepared by

MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS

100 NASHUA STREET

BOSTON, MASS.

in co-operation with

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

1973

Publication No.

Approved by:

Alfred C. Holland
State Purchasing Agent

MASSACHUSETTS ACTION PLAN

prepared by

The Massachusetts Department of Public Works

Submitted to Executive Office of Transportation and Construction by:

_____ date

Bruce Campbell
Commissioner
MDPW

Submitted to Governor Francis W. Sargent by:

_____ date

Alan A. Altshuler
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Approved and submitted to the Federal Highway Administration by:

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Francis W. Sargent
Governor
Comm. of Mass.

Accepted and Approved by:

_____ date

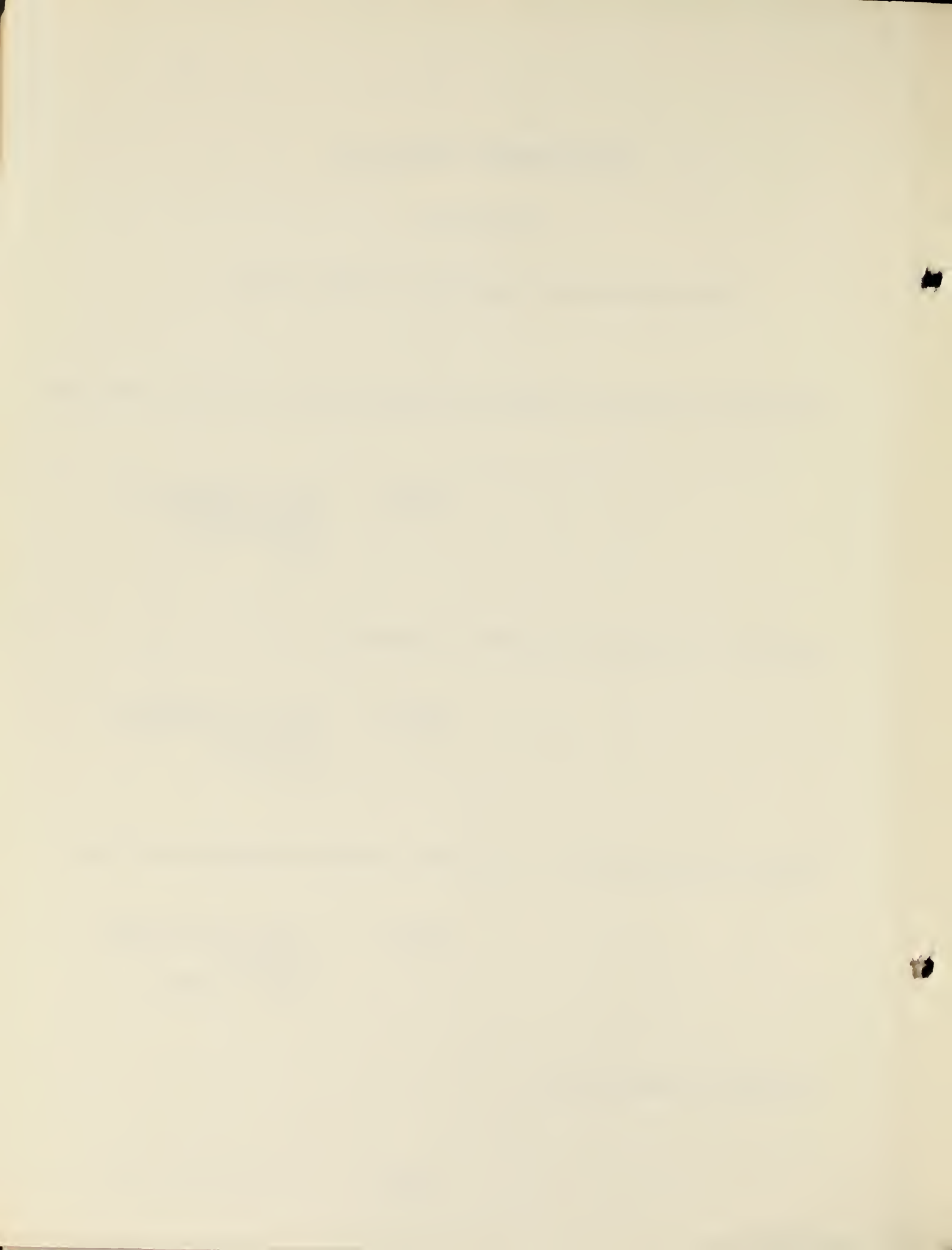


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Foreword

In order to appreciate the intent of the "Action Plan", it is necessary to recount the history attached to its beginning.

Generally at two year intervals, the U. S. Congress passes a Federal-Aid Highway Act which gives direction to the U.S. Department of Transportation (D.O.T.) on how Congress feels Federal programs should be implemented.

The 1970 Act instituted Section 109(h) of Title 23, United States Code which directed the Secretary of D.O.T. to promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-Aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and costs of eliminating or minimizing adverse effects.

The guidelines that were finally established resulted in Policy and Procedure Memorandum 90-4 (PPM 90-4) which has been made part of this document. To meet the guidelines each State highway department throughout the nation had to prepare written procedures or processes to be known as the states' so-called "Action Plan".

In December of 1972, the Commissioner of the Massachusetts Department of Public Works (MDPW) formed a supervisory Task Force and a working Action Plan Group to prepare the Massachusetts Action Plan (MAP) in compliance with PPM 90-4.

One of the first tasks that had to be accomplished was to document the existing process by which projects begin, develop, and are completed in the MDPW. Once this was completed it was evident that many elements of PPM 90-4 were part of the existing process, but never properly documented.

The next task was to apply the four fundamentals of PPM 90-4 to the existing process, recording any deficiencies and adjusting for such deficiencies. The four fundamentals are as follows:

1. IDENTIFICATION - Identification of potential social, economic, and environmental effects, both beneficial and adverse; identification of the alternatives available; and identification as early in the study process as feasible.

Foreword

2. ALTERNATIVES - Consideration of alternative courses of action including, where appropriate, alternative types and scales of highway improvements, other transportation modes and the option of no highway improvement.

3. INVOLVEMENT - Involvement of other agencies and the public at the earliest most feasible study stages of a project in order to provide adequate opportunity to express their views to influence the course of studies as well as the decisions made.

4. INTERDISCIPLINARY APPROACH - A systematic interdisciplinary approach requires a highway department to have on its staff and/or available through consultant services the necessary expertise to insure the integrated use of the natural and social sciences in planning and decision making which may have an impact on man's environment.

Another important task in the development of the Action Plan was the involvement of other agencies and the general public in influencing how the existing process should be changed. This involvement consisted of writing to other agencies and requesting that they appoint a liaison person through whom the Action Plan Group could communicate and the establishment of an Action Plan Draft Review Committee.

Presentation meetings on the Action Plan were given to other state agencies and the Transportation Policy Advisory Groups affiliated with the Regional Planning Agencies throughout the state. Presentations were also made on request to citizen interest groups.

Workshop meetings were held in Boston in which all were welcome to participate.

A brief explanation of the Action Plan and how the MDPW was reacting to PPM 90-4 was prepared and sent out to various publications for inclusion in their next issues. This method of communication was a means of introduction to the general public.

A brochure explaining the Action Plan with a questionnaire was prepared, mailed, and distributed statewide to the general public. Finally a questionnaire was placed in twenty three of the largest newspapers in the state to solicit public opinion. Comments received from the meetings and distributions described above were utilized in the development of the Action Plan.

Foreword

The task of involvement is the most difficult and it must be stressed that it is a continuing task. The Action Plan is a dynamic plan and is subject to change as community and state goals and objectives change. Therefore, it is anticipated that the Action Plan will be considered for revision on a regular basis.

SUMMARY OF THE ACTION PLAN

The Massachusetts Action Plan is being developed, as explained in the Foreword, in response to PPM 90-4. It was drafted after many meetings and workshops were held throughout the State at which there was active participation from sister agencies, regional planning agencies, transportation policy advisory groups, citizen interest groups, and the general public, and the receipt of their constructive suggestions.

The Action Plan primarily addresses the economic, social, and environmental impacts of proposed highway programs.

The document is composed of introductory units, including Approval Page, Table of Contents, Foreword, Summary, and Definitions and eleven sections that are separated into Part 1 (Sections I to III) and Part 2 (Sections IV to XI) and the Appendix.

The following is a compendium of each section:

Section I - Scope and Applicability

This Section defines the types of projects that will be covered by the requirements of the Action Plan and those which are exempt from its procedures. Exemption will apply primarily to those projects that are for maintenance of existing facilities.

Application of the procedures will be on an individual project basis.

Section II - General Organization and Charts

This Section summarizes the organization of the Executive Office of Transportation and Construction and the Massachusetts Department of Public Works. The charts show the relationship that now exists under present statutes.

More detailed organization charts of various Bureaus and Divisions of the MDPW can be found in the Appendix.

Section III - The Summary Flow Diagram

This section consists of a summary flow chart of the steps in the development of a project and the important decision points through which a project passes. Again the Appendix has a much more detailed flow chart showing every step of the process.



Section IV - The Flow Process

This section explains the detailed flow charts in narrative form and includes activities that take place in the Systems Planning Phase such as the establishment of goals and objectives on a state, regional, and local level; determining policies on items that affect transportation planning such as land use, economic factors, environmental factors and fiscal factors; collection of data and taking of surveys; forecasting of base data; determining needs and alternatives; establishing priorities and programs for submission to project development.

The next unit under the Flow Process Section, entitled Project Development, is that phase in the process in which there is a narrowing down of the many options to produce a single alternative alignment for a highway. It is at this point that Levels of Action, which define the degree of treatment a project will receive under the Action Plan, are assigned to each project.

The final unit under the Flow Process Section introduces the Engineering phase which actually starts to zero in on engineering design of the selected alternative (Basic Design and Final Design). The Level of Action assigned to the project is reconsidered at the start of the Engineering Phase.

PART 2

Section V - Identification of Potential Economic, Social and Environmental Effects

This section outlines the procedures to be followed in identifying potential economic, social and environmental effects of a transportation project. This section identifies the roles, the systems planning phase, project development phase and the design phase play in investigating the E.S.E. effects. An explanation is made of the environmental inventory, identification of transportation factors, providing information on ESE effects, technical quality of ESE Studies, monitoring of EIS effects, availability of timely ESE information, participation of local agencies and citizens, and estimates of costs.

Section VI - Consideration of Alternative Courses of Action

This section establishes the areas of responsibility and the analysis made of the range of alternatives in the System

Planning Phase through the Design Phase, including the No-Build alternative.

Section VII - Involvement of Other Agencies and the Public

This section establishes the procedure for involvement of sister state agencies, regional planning agencies, transportation policy advisory groups (TPAGs), local government, citizen interest groups, and the general public. It outlines the support services of the DPW, notification procedures and project schedule, through the phases of System Planning, Project Development and Design. It also establishes the procedure for distribution of reports, notices and transcripts of public hearings.

Section VIII - Systematic Interdisciplinary Approach

This section describes the integrated use of the natural and social sciences and the environmental design arts in highway planning and in decision making during the development of highway projects. It also outlines a means of acquiring the necessary interdisciplinary staff through training, recruitment, and examination.

Section IX - Decision Making Process

This section describes the decision making process within the MDPW and the influence upon this decision making process through the 3C process, Level of Action Committee, workshops, meetings, and public hearings.

Section X - Inter-relation of System and Project Decision

This section identifies the contents of the Draft Planning Study Report and its relationship to the Design Phase. It also identifies a distribution list of the draft for review and comment.

Section XI - Levels of Procedural Action

This section defines the Level of Action Committee; defines guidelines for determination of Levels of Action by project category; establishes means of reconsideration and responsibility for implementation.

Section XII - Responsibility for Implementation

This section describes a program of stage implementation of the Action Plan and establishes responsibility for such implementation.



Table of Commonly Used Terms

A & E Board	Architects and Engineers Board - a board appointed by the Commr. of Public Works which reviews the qualifications of consultants working for the Department under contract.
B.P.D.	Bureau of Project Development of the MDPW having responsibility for the development of route locations, environmental impact statements, and for the intermediate phase between planning and design.
B.T.O.	Bureau of Traffic Operations of the MDPW.
B.T.P. & D.	Bureau of Transportation Planning and Development of the MDPW having the responsibility for all transportation planning in the Commonwealth.
Clearing Houses	Those duly authorized regional and/or metropolitan agencies with responsibility for the review of all proposed Federal-aid projects under th U.S. Office of Management and Budget Circular A-95. The agencies responsible for review include many state agencies, the RPAs and other units of government.
D.C.A.	The Department of Community Affairs
D.C.D.	The Department of Community Development
D.N.R.	The Department of Natural Resources
D.O.T.	Department of Transportation, Federal Highway Administration
Department MDPW DPW Dept.	The Commonwealth of Massachusetts Department of Public Works
E.I.R.	Environmental Impact Report-similar to EIS as required by Chapter 30, Section 62 of the General Laws, Commonwealth of Massachusetts



Table of Commonly Used Terms

E.I.S.	Environmental Impact Statement—a written statement of the anticipated beneficial and detrimental effects which a project may have on the environment.
Engineering Design Phase	The period during which the single alternate selected by the Project Development Phase is further refined, the Plans, Specifications, and Estimate is prepared, and the project is advertised for bids. It is followed by the Construction Phase.
E.O.T.C.	Executive Office of Transportation and Construction of the Commonwealth.
E.S.E.	Economic, Social, and Environmental
F.A.P. Engineer	The Federal Aid Program Engineer of the MDPW.
F.H.W.A.	The Federal Highway Administration of the U.S. Department of Transportation.
4(f) Statement	A statement required by law that there is no feasible and prudent alternative to taking land from a park or conservation area, including supportive documentation.
H.E.D.	Highway Engineering Division of the MDPW having responsibility for the engineering design of highways after the Project Development Phase and before the construction phase.
P.E. Program	Preliminary Engineering estimate of costs.
Planning Study Report	A document produced during the System Planning Phase which outlines the network under study and gives the Economic, Social, and Environmental effects of the network and the alternative of doing nothing.

Table of Commonly Used Terms

PPM	Policy and Procedure Memorandum—a document issued by the FHWA setting forth rules and/or regulations which must be followed by a state highway agency using federal funds.
Project Development Phase	The period during which the need for a facility or facilities identified in the System Planning Phase is developed into ultimately a single alternate. It is during this period also that the EIS is prepared. This period is followed by the Engineering Design Phase.
R.O.W.	The Right of Way Bureau of the MDPW.
R.P.A.	Regional Planning Agency—the established areawide planning agency having statutory responsibility for comprehensive regional planning, including transportation planning as defined in Chapter 40B of the General Laws (Advisory only in nature.). There are twelve (12) RPAs which encompass the entire Commonwealth.
Systems Planning Phase	The period during which a network or system of transportation facilities is planned for a given area. This is the first step in the development of a transportation facility. It is followed by the Project Development Phase.
T.P.A.G.	A term used to describe the Transportation Policy Advisory Groups established under memoranda of understanding with the RPAs. These groups are known by different names for different regions, such as Transportation Advisory Group (TAG), Joint Transportation Committee (JTC), Joint Transportation Planning Groups (JTPG), Transportation Co-ordinating Committee (TCC), and other names. These groups are open to any interested citizen who may wish to participate in regional transportation planning.

PART 1

SECTION I

Scope and Applicability

A. Scope: The policies and procedures of this Action Plan apply to all transportation projects falling under the jurisdiction of the Massachusetts Department of Public Works and specifically include both Federal and State funded projects, except those projects for maintenance of existing facilities.

B. Applicability: These procedures shall apply to each project on an individual basis. Levels of Action by project category shall be determined at the start of the Project Development Phase and opportunities for review of Levels of Action are provided throughout the process.

Procedures contained herein may be waived by the highway agency with the notification of the Mass. Secretary of Transportation, the Mass. Secretary of Environmental Affairs, and the Division Engineer of the FHWA in connection with any project that is urgently needed because of a national emergency, a disaster, a catastrophic failure, or similar great urgency.

It is the responsibility of the Chief Engineer to make such determinations of urgency.

The following is a list of activities of the Department that will be categorically exempted from the procedures contained herein:

- (1) All projects, including State Highway Construction, Maintenance and Repair, State Aid Construction and Betterments and Safety type projects, where the limits of the project are within the existing roadway.
- (2) All state Highway Maintenance "Housekeeping" programs, such as pavement striping, sweeping, cleaning of drainage structures, snow and ice control, etc.
- (3) Permits issued for "Digging-up State Highways, etc." in accordance with Chapter 81 of the General Laws, Commonwealth of Massachusetts.
- (4) All maintenance, repair, and replacement of structures under the authority of the Division of Waterways.

(5) Highway planning activities including basic data collection, research, experimental management, and resource evaluation as parts of a study leading to a project.

Ongoing Projects The Action Plan shall only be applied to the future development of on-going projects and to future projects. The procedures contained herein are not retroactive and shall not apply to any step or steps taken in the development of a project prior to the time of implementation of the Action Plan.

Many projects under consideration by the Department at the present time are in the advanced stages of development, and have been in the "pipeline" for ten to fifteen years. With the advent of the National Environmental Policy Act and the requirement for Environmental Impact Statements, projects which had reached late stages of design have been re-cycled and EIS Statements were and are currently being prepared for these projects. The EIS requirements are nearly as comprehensive as are Action Plan requirements, therefore it should not be assumed that the development of these projects have not had full participation of all interested parties.

Upon approval of the Action Plan, the stage of development of each project shall be determined and the project will be incorporated into the requirements of the Action Plan.

All projects which have not reached the point of 25% design approval (Step 121, Flow Chart) by the F.H.W.A. by November 1, 1973 shall be assigned a Level of Action by the Level of Action Committee.

The Action Plan in no way changes or supercedes the requirements of the F.H.W.A Policy and Procedure Memoranda under which the Department operates for Federal Aid Projects. The Action Plan complements the procedures of these PPMs and the reader is especially directed to the proposed revised PPM 20-8 for Federal Policy on public involvement and public hearings, which is shown in the Appendix.

SECTION II

GENERAL ORGANIZATION & CHARTS



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SECTION II

General Organization and ChartsA. ORGANIZATION

The EOTC, MDPW and the various Bureaus, Divisions and Sections which compose these agencies are presented in the Organization Charts. Additional information on the new units proposed by the Action Plan is listed below.

B. PUBLIC INFORMATION AND PARTICIPATION SECTION

The Public Information and Participation Section consists of a Director and various staff positions as outlined in the Organization Charts. This section is responsible for administering the Public Involvement Program of the Mass. Department of Public Works.

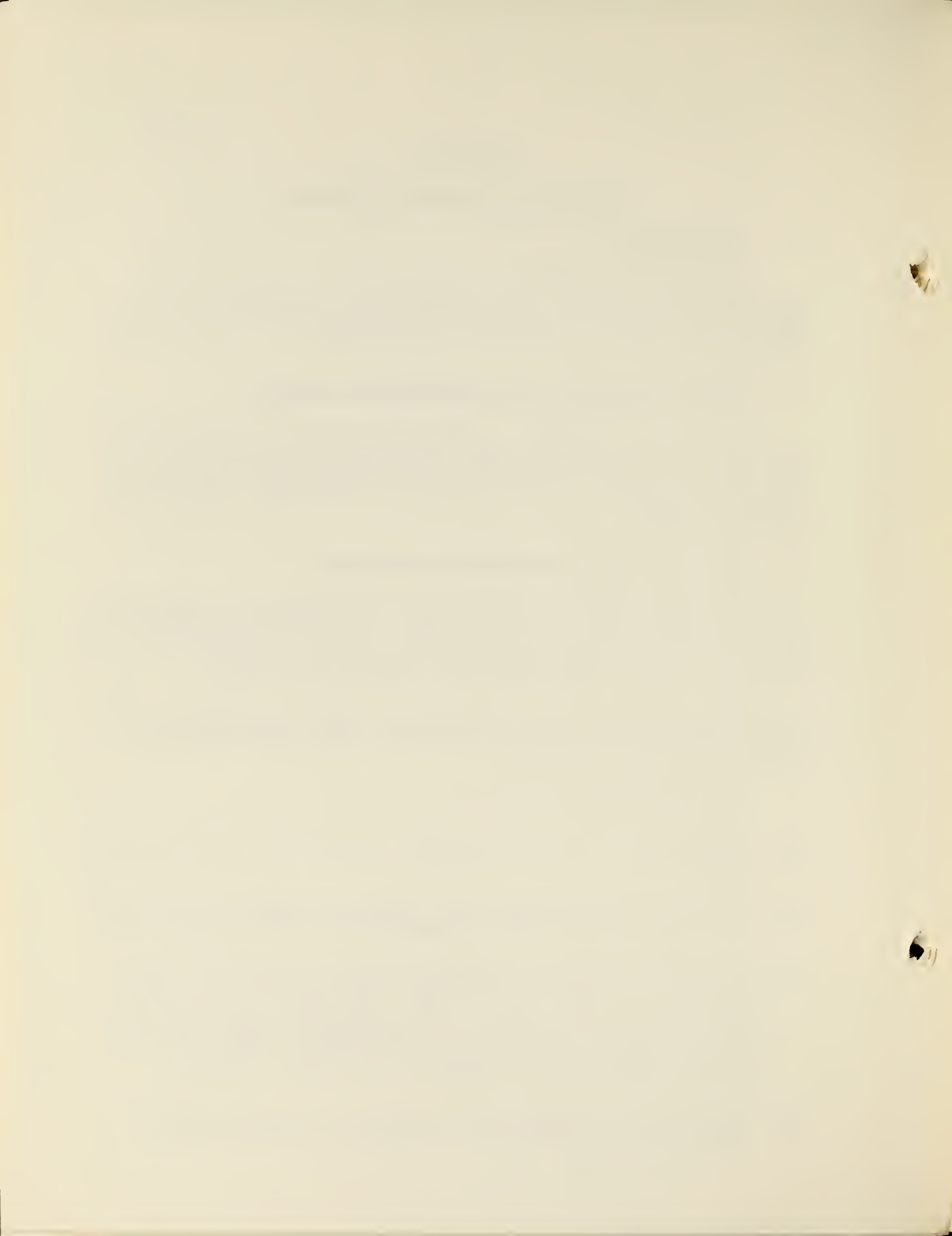
C. PUBLIC MEETING AND HEARING CO-ORDINATOR

The Public Meeting and Hearing Co-ordinator is responsible for preparations for all public meetings and hearings to be held on highway projects throughout all phases, including System Planning, Project Development and Engineering Design.

Appropriate Division and Section heads are responsible for timely notification of the Co-ordinator when public meetings or hearings are to be held.

The Co-ordinator will:

- (a) Keep abreast of the development of projects in the various phases.
- (b) Contact various District and Boston personnel to determine the size, location and complexity of a given project.
- (c) Determine the type of display to be used and alert the Graphic Arts Section to prepare such displays as may be required. In the case of small projects, the displays should reflect the impact of the project rather than its actual dollar value. For larger hearings, adequate displays should be provided.
- (d) Coordination of Department Engineers to explain public meeting presentations.



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- (e) Set up the meeting for elected officials and determine which officials should attend.
- (f) Coordinate the activities of the various Department Sections and personnel in preparing for public meetings and hearings and make sure that all Sections are given ample time for preparation.
- (g) The selection of the Moderator and notification of this individual well before the actual hearing.
- (h) Expedite the preparation of hearing transcripts to allow ample study time for preparing the FHWA submission.

D. INTRA-DEPARTMENTAL INFORMATION CO-ORDINATOR

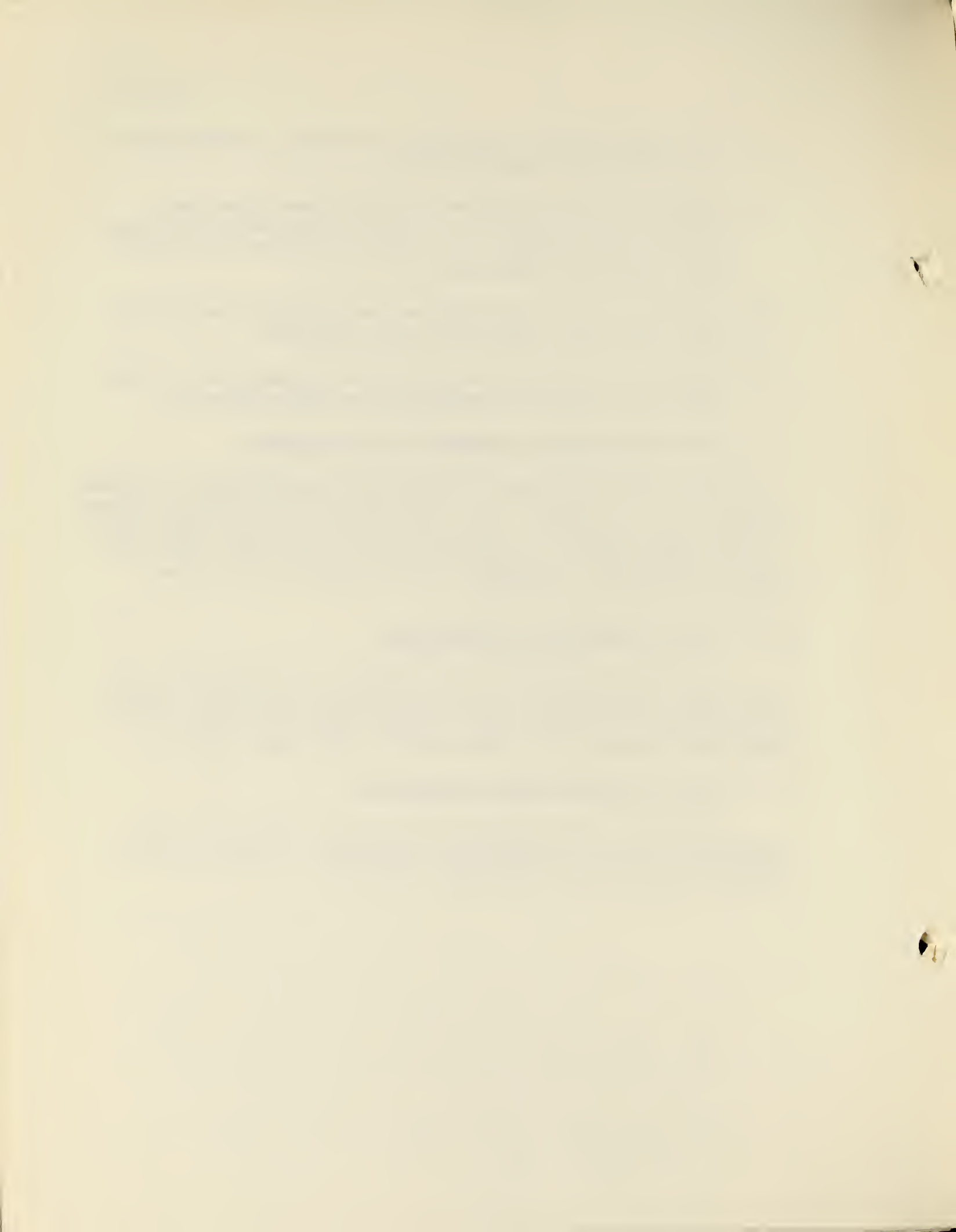
The Intra-departmental Information Co-ordinator is responsible for the dissemination of information on on-going projects to Department personnel. The Department of Public Works News, an intra-departmental newsletter will be the prime method for this dissemination, together with such memos and written material as may be required.

E. PUBLIC INFORMATION CO-ORDINATOR

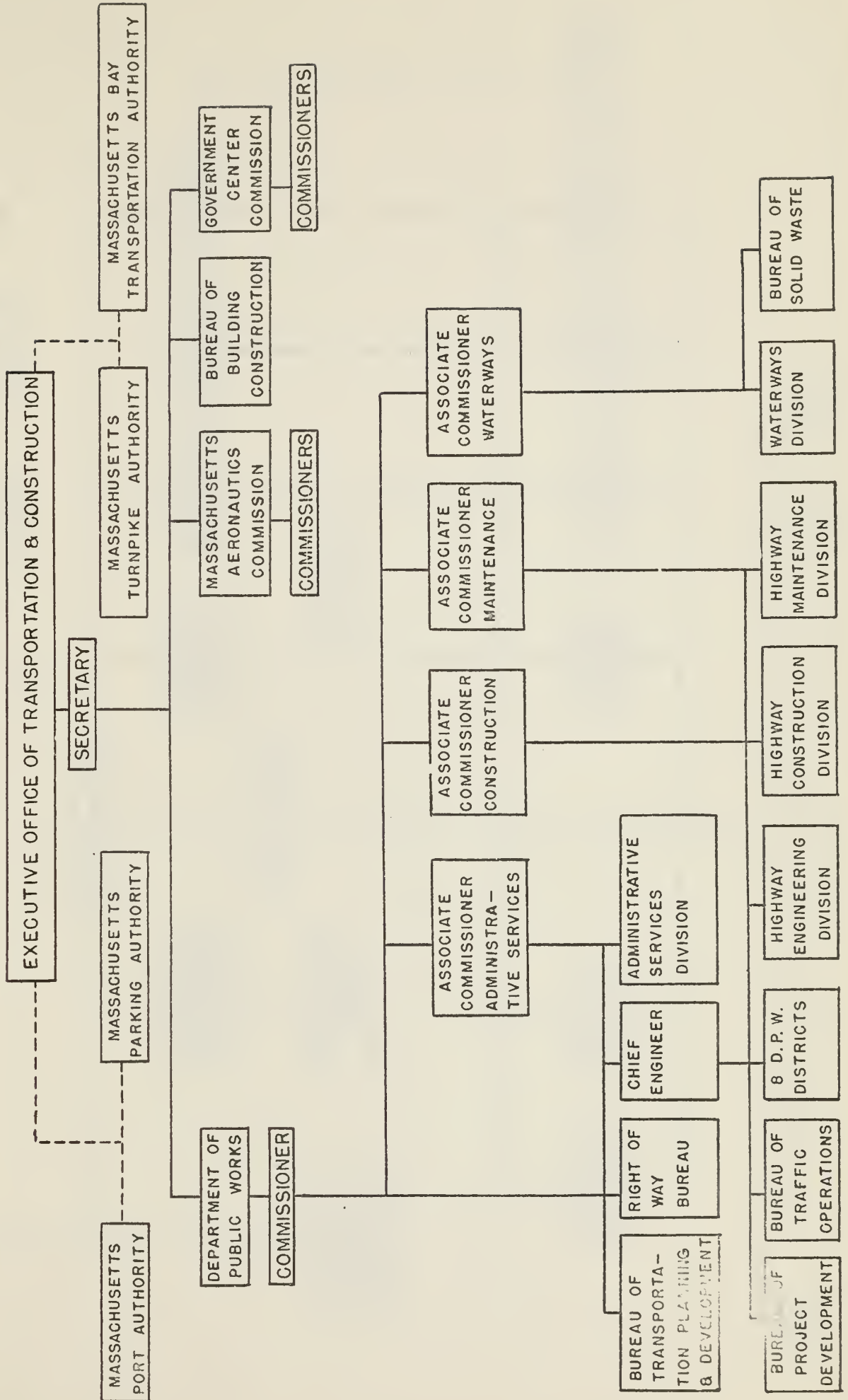
The Public Information Co-ordinator is responsible for the timely notification of the news media of hearings, public informational meetings, major project decisions and other pertinent information as described in the Action Plan.

F. PUBLIC PARTICIPATION CO-ORDINATOR

The Public Participation Co-ordinator administers the Community Liaison and Technical Assistance Program for all projects where these procedures are used.

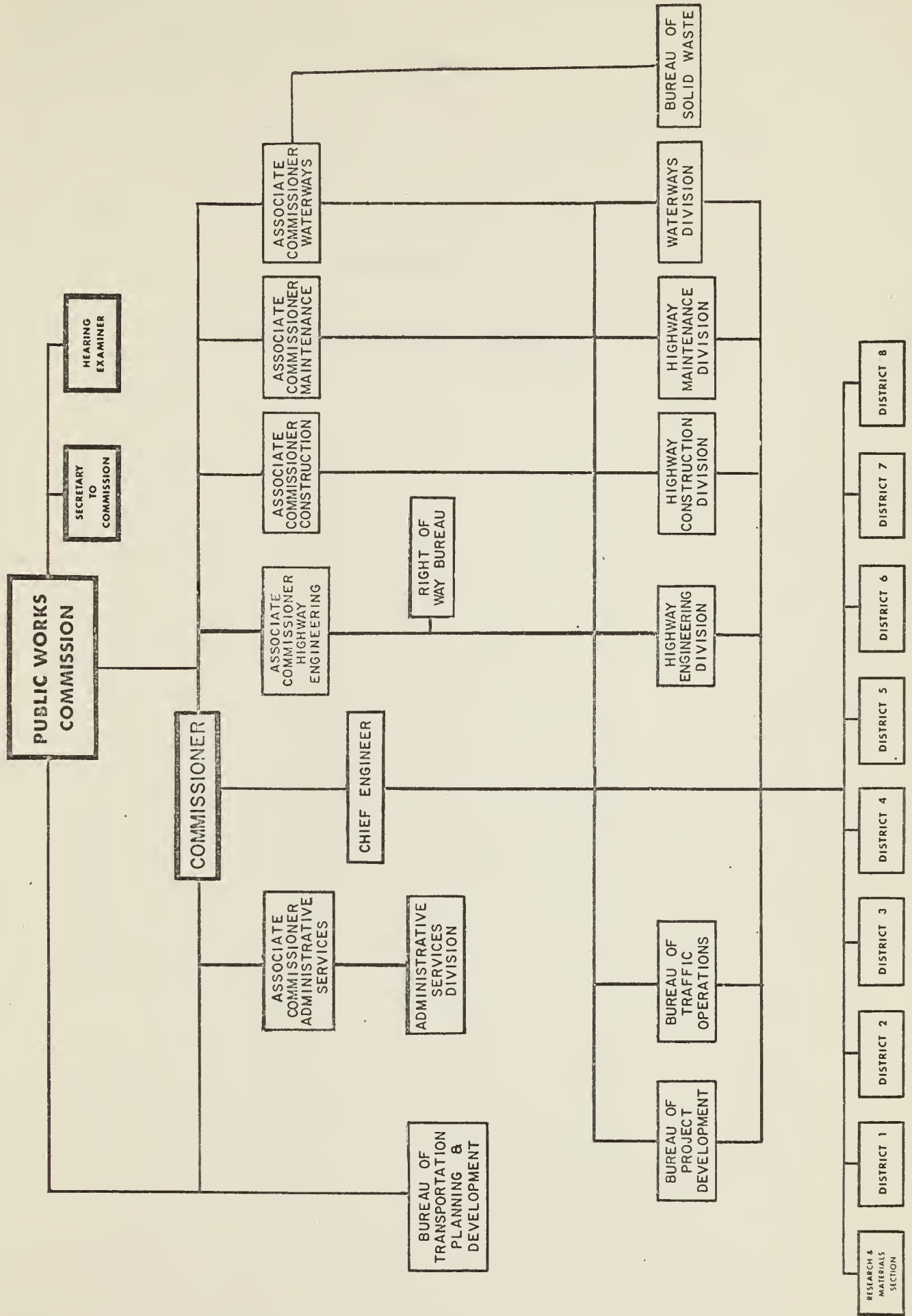


STATE LEVEL OF ORGANIZATION



AGENCY LEVEL OF ORGANIZATION

MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS



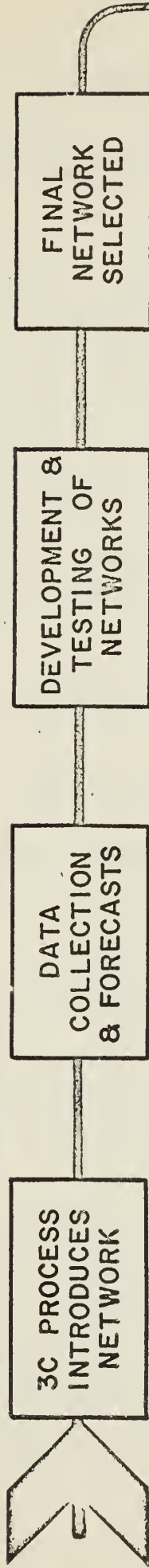


SECTION III

THE SUMMARY FLOW DIAGRAM

SUMMARY FLOW DIAGRAM

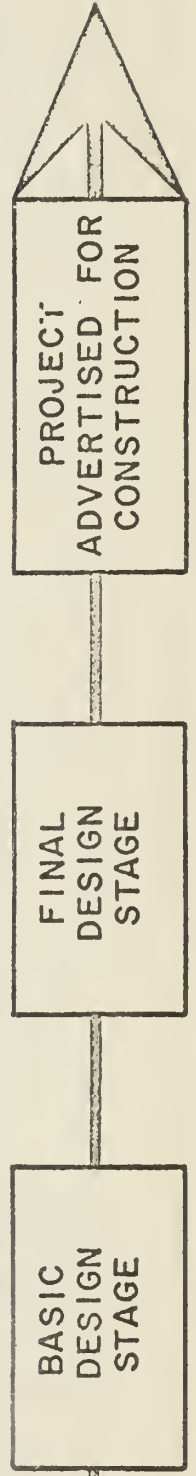
SYSTEM PLANNING PHASE



PROJECT DEVELOPMENT PHASE



ENGINEERING DESIGN PHASE





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THE FLOW PROCESS

Numbers with asterisks used in this description are keyed to the detailed Flow Chart in the Appendix

Introduction: This flow process has been developed for the purposes of carrying out the requirements of the Action Plan "to indicate the procedures to be followed in developing highway projects". This process applies to all projects as defined in the Scope and Applicability of the Action Plan. In order to simplify the process for presentation in the Action Plan, several technical details, such as structural design, survey requirements, subsurface data, etc. have been omitted, and the Planning Phase has been described as a straight line process, although by its nature, it is a continuing process and not necessarily linear. These details are not important to the intent of the Action Plan and they vary greatly from project to project. Such details are necessary to the process of developing transportation projects by Engineers, even though they do not appear in the process described herein. Subsequent sections of the Action Plan elaborate further on the procedures indicated in the flow process description.

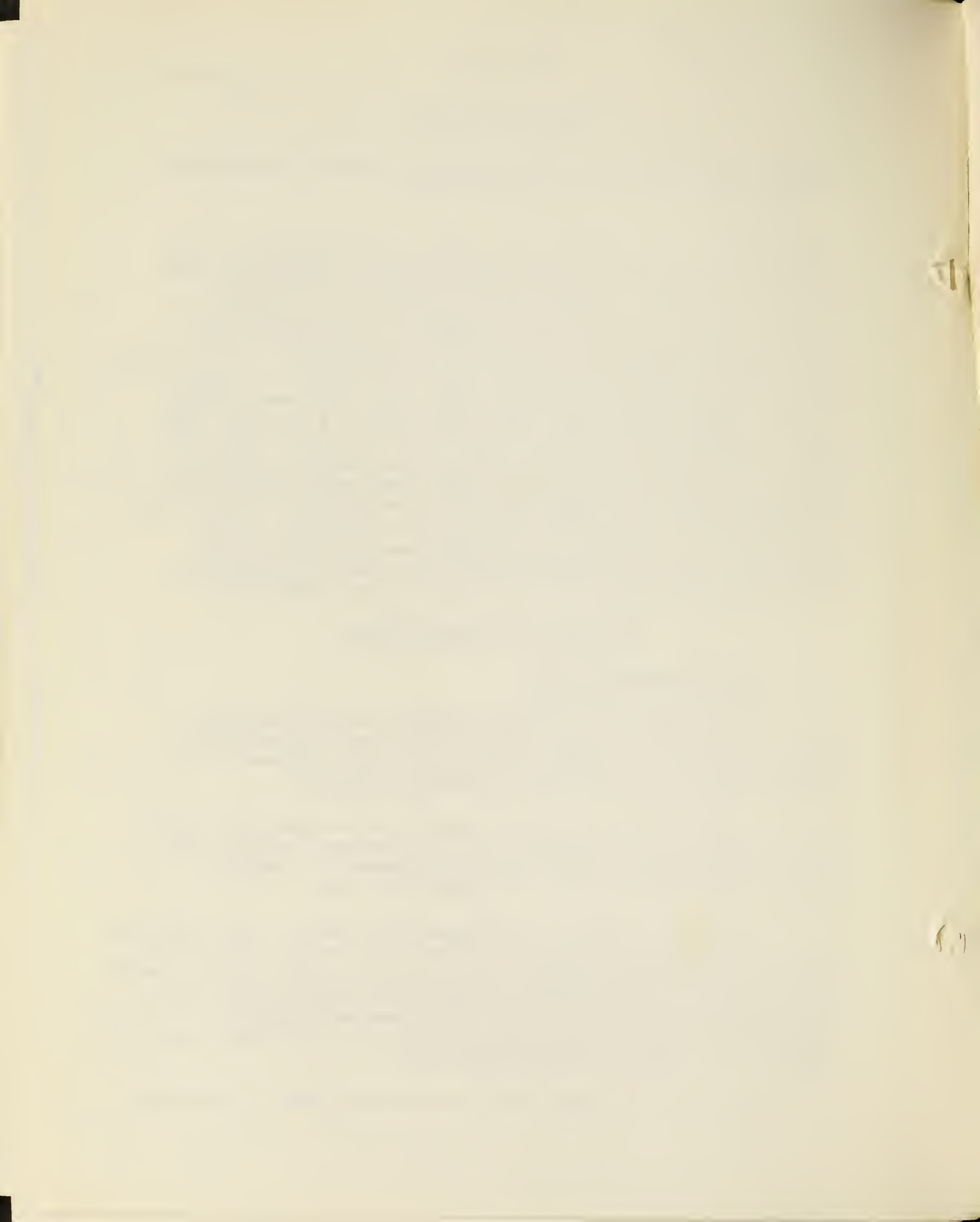
Description of the ProcessA. SYSTEMS PLANNING PHASE

Introduction: To insure a viable open participatory planning process citizens from all walks of life and public officials from all levels of government must influence the Department's total planning and decision-making.

The input from individual citizens and organized citizen groups must be representative of all opinions, both for and against proposed transportation improvements. Community involvement must also be active and continuous.

In order to meet the challenges cited above, a new approach to transportation planning is necessary if we are to solve the many transportation problems in the Commonwealth of Massachusetts. The concept of participatory planning practiced by the Boston Transportation Planning Review (BTPR) was determined to be essential in order to meet the strict state and federal environmental laws that have been established.

It is also recognized that in order to build, reconstruct



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or improve any type of a major transportation facility, active community participation is a necessary ingredient in the decision-making process.

Memoranda of Understanding have been signed by the Secretary of Transportation and Construction, the Commissioner of the Department of Public Works and the Chairman of the Regional Planning Agencies (RPAs) in each of the twelve regions. The Memoranda of Understanding established the overall guidelines for implementing the process. They emphasized that the various state government agencies and each city and town in the Commonwealth have statutory responsibilities and obligations that must be carried out by those legally constituted bodies. However, they also clearly indicated that our objective is to make decisions related to transportation investment programs in an open and participatory manner. In this regard, the Department wants to provide every opportunity for input to the transportation decision-making process by all interested individuals and groups, both public and private.

To achieve that goal Transportation Policy Advisory Groups (TPAGs) have been established in each of the twelve planning regions in the state. The function of each TPAG are:

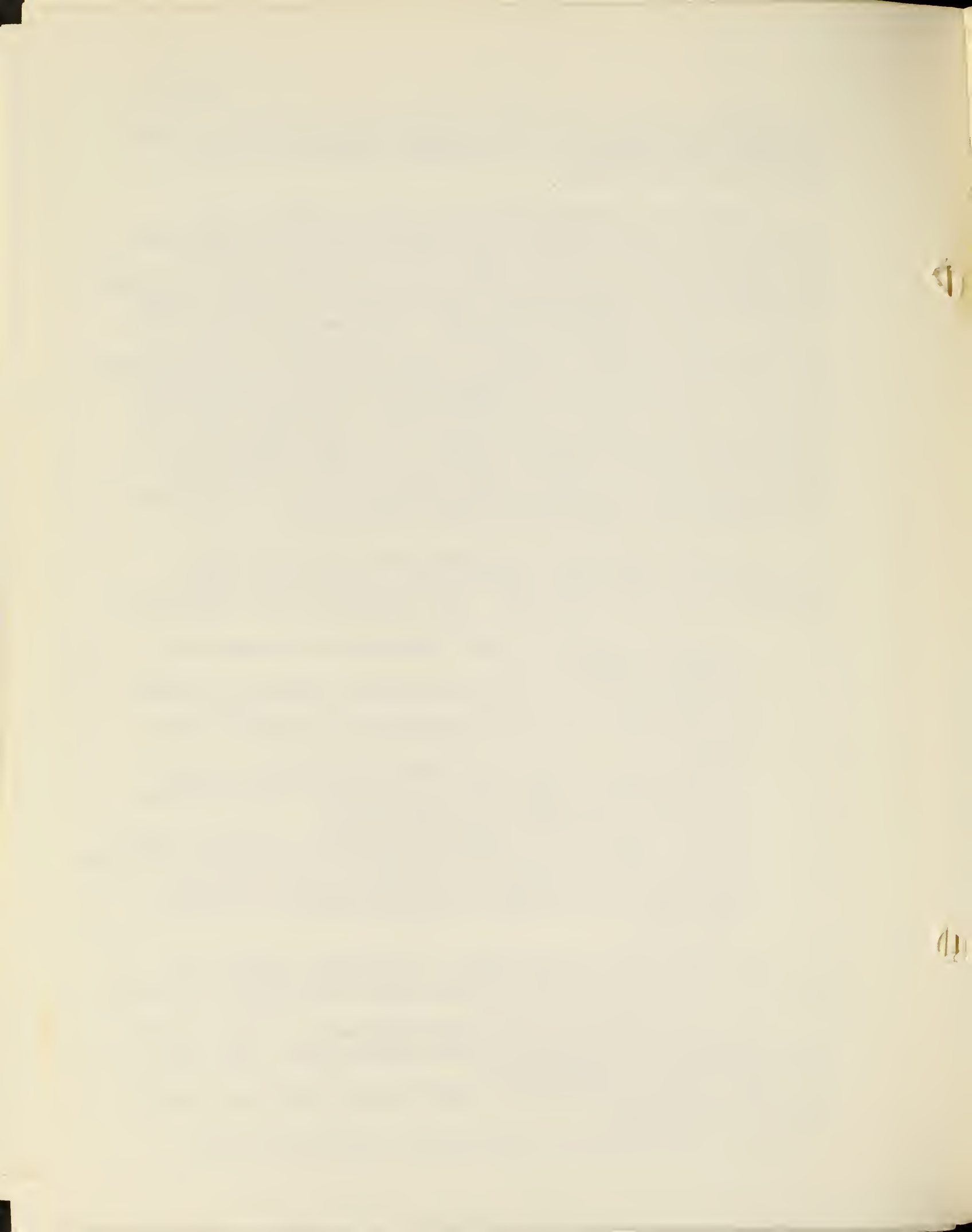
- to convene meetings on all substantive transportation planning issues.
- to insure that the planning process is open and broadly participatory.
- to serve as a forum for discussing all transportation issues.
- to establish the basic policies governing the conduct of the planning process in a particular region, within the overall statewide policy framework.
- through a process of consensus building, to advise those agencies having a statutory responsibility for implementing transportation programs on transportation investment decisions; this includes the establishment of program priorities.

The membership in the TPAGs is inclusive, rather than exclusive; its composition is drawn from the following sources:

(a) Representatives from the Department of Public Works, the Secretary of Transportation and Construction, and other appropriate state agencies;

(b) Representatives from the RPAs and cities and towns within each agency.

(c) Representatives from private institutions and



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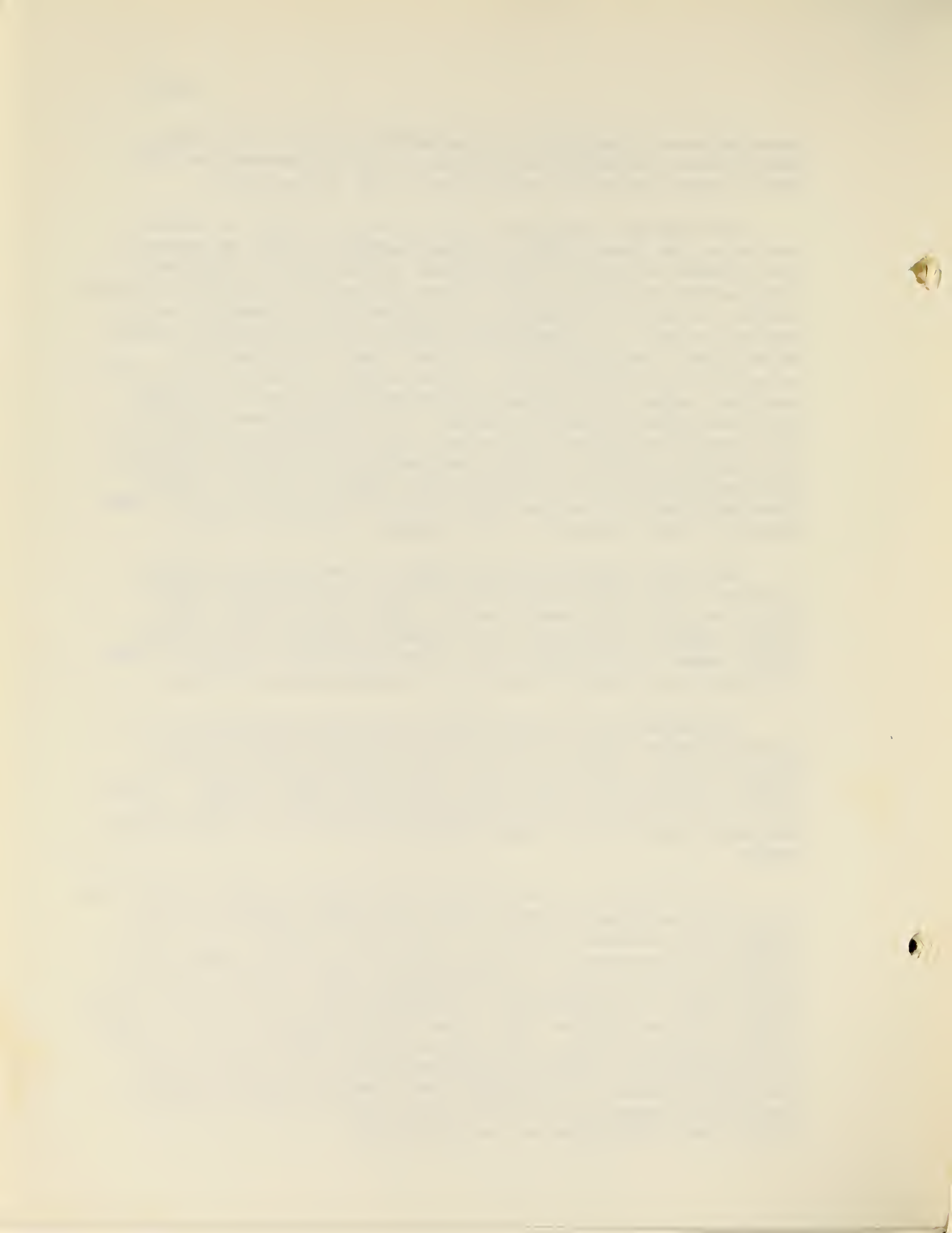
associations, organizations representing low-income groups and minority interests in the area, and representatives from other groups mutually agreed upon by the signatories.

The Regional Planning Agencies were included as signatories to the Memorandum of Understanding as full partners in the process because of recognition of the need to integrate transportation planning with other functional planning elements within the overall framework of comprehensive planning on a regional scale. The Department believes that planning should be done on a regional scale, rather than on the basis of urbanized area boundaries, to give proper consideration to the regional impacts of transportation decisions and to provide full statewide planning coverage. It is Department policy that local and regional planning groups must play a major role in planning through a joint staff effort with state agencies. This means that we are shifting the emphasis from a central planning operation at the state level to a more decentralized operation that focuses on the regional and local level.

To insure adequate staff input to the planning process contracts have been executed with each of the twelve RPAs using the combined FHWA planning funds and matching state funds commonly referred to as Highway Planning and Research (HPR) funds. These funds will allow each RPA to hire at least a minimum core staff to focus on transportation planning.

Supplementing the HPR funds is a substantial amount of planning money from the Federal Urban Mass Transportation Administration (UMTA) which has been applied for directly either by the RPA or the core city within each region. At the present time several hundred thousand dollars of UMTA money has been received and considerably more is in the application stage.

At this point a clear distinction must be made between the roles of the Transportation Policy Advisory Groups and the respective planning staffs at the state, regional, and local levels of government. As described earlier, the TPAGs are composed of senior policy level people from all the agencies that signed the Memorandum of Understanding, as well as cities, towns, citizen groups, etc. The actual planning work is being accomplished through a cooperative staff effort by the staffs of the Executive Office of Transportation and Construction, the DPW's Bureau of Transportation Planning and Development, other state agencies, the RPAs, and those cities and towns that have staff resources to contribute.



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The planning work is being carried out in accordance with a unified transportation work program developed for each of the twelve planning regions. It covers a 5-year period, and it identifies both long-range planning issues (such as the development of a comprehensive plan for a region) and short-range planning issues (i.e., the resolution of an existing transportation problem requiring an immediate solution). It describes each planning task, who will perform the work, how much it will cost, and the source of funds. The joint planning staffs study the problems and make recommendations to the TPAG, which then makes a final recommendation for implementation.

The 3C process must focus on existing transportation problems, requiring immediate solutions, as well as long-range problems if interest in the process is to be maintained. One of the defects of the 3C process in the 1960's was that it did not adequately relate short-range and long-range planning. Therefore, people lost interest until a specific action was about to take place. Our unified transportation work programs will be a major factor in achieving that objective.

It is our intent that decisions on transportation issues that are local in nature (i.e., city or town level) will be made at the local level. In this case the staffs of the RPA and the state agencies will provide technical assistance to the communities as may be appropriate. Issues that are regional in nature will be resolved at a regional level by reaching a consensus recommendation through the TPAG. When an issue involves two or more regions, we shall encourage the affected regions to work together in seeking a resolution to a particular problem.

A-1) Establishment of Goals and Objectives (1*)

The Planning Process is a multi-jurisdictional and multidisciplinary effort to define critical issues and problems and thus to establish goals and objectives and to determine community values. This is accomplished by various Units and Sections within the Bureau of Transportation Planning and Development working in close contact with Regional Planning Agencies, Regional Transportation Planning Committees and local officials in the development of certain data. To implement this working relationship, the Department has established contracts with the Regional Planning Agencies and established an Interagency Liaison Unit within the BTP&D. The RPAs are responsible for the development of various mechanisms and data, and for the development of unified transportation planning programs. These programs will be utilizing updated information gathered

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by previous urbanized area studies done by the BTP&D in cooperation with local communities. In addition, the RPAs and TPAGs will participate in the functional classification studies for their areas and in the updating of road inventories. A sample contract between a Regional Planning Agency and the Department is attached in the Appendix.

The Interagency Liaison Unit is now establishing formal contacts with state agencies that are interested in transportation planning. Such agencies as the Department of Community Affairs, Department of Natural Resources, Department of Commerce and Development and others will receive early notification of, and participate in the development of system plans. (See Section VII, Involvement).

A-2) Determination of Policies (2*)

In a joint effort between EOTC, BTP&D, other DPW units, the TPAGs, and state agencies transportation policies will be established which integrate to the extent possible land use plans, economic factors, environmental factors, social factors, and fiscal policy. The Comprehensive Transportation Section will have the primary responsibility for this activity with assistance from the agencies described above and other Units within the BTP&D.

The development of an overall comprehensive transportation plan requires the identification of a number of established policies in a variety of areas related to transportation, land use, economics, environment, and finance. Such policies are usually established at various levels of federal, state, regional and local government. It is the responsibility of the Department to examine these policies and to apply them to transportation planning. Land use policies should be studied to determine the effect that transportation system development will impose; what proportion of residential, commercial, industrial, and open space land allotment is desired by a particular community; what types of transportation systems will be required to support designated land use, and the limits of local water and sewerage systems.

Environmental policies are applied to the development of transportation systems to assure an acceptable balance between life-supporting activities and life-sustaining environmental qualities. The maintenance of open space, recreation areas, and wetlands plays an important role in influencing the quality of the environment and insures the continuation of natural areas that are a necessary adjunct to the process of earning a living.

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Transportation policies are oriented to providing a reasonable balance of flexibility, mobility, and accessibility while attempting to minimize travel, cost and contributions to air, noise, and water pollution, adverse displacement and neighborhood disruption and to maximize the safety of the travelling public.

Economic policies should be applied to transportation systems to determine the effects of system development on the economy of a region or community.

Fiscal policy addresses what can be reasonable accomplished with both anticipated and presently allocated resources.

A-3) Inventories and Surveys (4*)

Data collection efforts related to a transportation planning study constitute a considerable portion of the total resources expended. Most urban areas have been inventoried in conjunction with urbanized studies done between 1964 and 1970. Future data gathering activities will be primarily concerned with updating and expanding the urbanized area data. (Urbanized areas include Pittsfield, Springfield, Fitchburg-Leominster, Southeastern Mass. and Eastern Mass.)

Specifically, inventories to be performed as a part of the planning process consist of the following:

a) Transportation System Inventories

A detailed recording of the length, width, and characteristics of existing highways, mass transit facilities, rail facilities, airports and other travel modes. The results of these inventories are utilized for a variety of purposes including establishing forecasting techniques, playing a part in the formula for distribution of state-aid funds, national transportation studies and the like. This is a continuing activity of the Department, carried out by the BTP&D.

b) Travel Surveys

Travel Surveys are used for the determination of volumes of travel, trip desires, other travel characteristics, and are the basis for making travel forecasts.

c) Environmental Surveys

Environmental Surveys are used in early systems planning to determine notable environmental constraints on a regional and statewide level. For further detail see the section in "Identification of Potential Economic, Social and Environmental Effects of Transportation Networks and Projects".

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d) Economic Surveys

Economic Surveys are an early systems planning tool to determine economic growth desires of communities and regions. They are used in needs studies and future forecasts.

A-4) Forecasting and Allocating

In order for the BTP&D to work effectively with other state agencies, RPAs and the other interest groups in establishing proper responsive transportation systems, there must first be an identification of future land use activities, travel, environmental, social, and economic constraints, and population. The inventories and surveys must identify the present status of these various factors. Forecasting of future conditions is accomplished by various techniques listed below.

a) Forecasting of Land Use Activity

This effort will be concerned with existing land use modelling, with forecasting the population by well established techniques, with the utilization of on-going impact studies of completed projects to make forecasts of impact for different transportation system alternatives.

b) Forecasting of Travel

This is accomplished by computer modelling, drawing on travel surveys and utilizing existing techniques that have been developed over a period of years in the transportation field.

c) Forecasting of Environmental, Social, and Economic Factors

Prior to the formulation of transportation needs, careful consideration should be given to impacts associated with basic forecasts for population growth and attendant land uses. Rejection or modification of aggregate growth projections that pose insoluble ESE problems should occur before attempting to quantify those problems in a transportation needs study.

Special consideration is given to all possible ESE impacts of the normal growth of transportation demand. Special attention will be given to any and all means of minimizing total travel through more predictable arrangements of future land uses as a policy of statewide land use planning develops.

A-5) Transportation Needs (8*)

A many-faceted approach will be utilized in assessing the

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transportation needs of the Commonwealth. The traditional forms as developed in highway planning over a period of years will form the major framework in needs identification. The first technique is by inventory, classification, and needs analysis, and the second utilizes computer assignments of forecasted travel to identify system deficiencies. In addition, more specific analyses, aimed at identifying transportation needs of special segments of the population must be developed to supplement the traditional techniques. Included in these analyses will be terminal, goods movement, parking, needs of the handicapped and elderly, and related elements.

a) Development of Alternatives (9*)

Technical procedures for the preparation of systems plans consist of fitting transportation facilities to trip generation and distribution patterns created by land use forecasts. Factors utilized include trip density, travel costs, trip length and construction costs. In developing systems plans, transportation planners are working on very broad scale corridors and are primarily interested in the kinds (modes) and amounts (capacity) of the improvements. In addition, systems plans will include the ESE effects of various modes and capacities. It may be found that any system or systems that satisfy all of a particular network's need may be totally unacceptable from an environmental standpoint.

b) Testing and Evaluation (10*)

Alternatives developed will be tested by simulating probable daily and peak hour impact including travel usage, economic implications, land use and ESE impacts. Good and bad features of alternative plans will be determined and modifications can be made to produce an effective transportation system plan. The optimum plan may be one or a combination of the alternatives tested. In testing the alternatives, several basic factors should be considered such as:

- Air, water, and noise pollution.
- Impacts on natural resources, community cohesion, availability of public facilities and services, and aesthetic values.
- Impacts on property values and tax base.
- Impacts on people, businesses, and farms.
- Impacts on regional and community growth.
- Evaluate feasibility and consequences of proposed compensatory programs, such as, joint development, replacement housing, etc.

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Testing and evaluating transportation alternatives is the responsibility of three sections within the BTP&D: the Comprehensive Transportation Planning Section, the Research, Training, and Special Studies Section, and the Data Management and Development Section, and the Relocation Planning Section of the Right of Way Bureau.

The testing and evaluation of networks results in the preparation of the Planning Study Report (PSR), which is described in Identification of Potential Economic, Social and Environmental Effects of Transportation Networks and Projects - Section V.

c) Establishment of Regional Priorities (16*)

The TPAGs have the responsibility for recommending regional priorities. In order to elicit the support of local communities for the plan recommended, aspects of regional priorities which are in conflict must be clearly explained to the RPAs.

After regional priorities have been established the TPAGs will provide the BTP&D with a priority listing. Copies of this priority listing will be made available to the local communities for review and comment prior to the submission to the BTP&D. Comments of the local communities will be included in the priority listing submitted.

d) Establishment of Statewide Priorities (17*)

The BTP&D will analyze the regional priorities and assign priorities on a statewide level for the later development of a comprehensive statewide transportation fiscal program. This will require considerable investigation of various methods of establishment. Consideration will be given to the amount of transportation revenue available and required on a regional and statewide basis, the impact of various recommendations throughout the state, and the establishment of a balanced transportation network. Financial resources are most important in establishing priorities, especially when consideration to the proportion of federal and other funds that are available for different types of improvements.

e) Modification of Detailed Plans (18*)

After giving consideration to regional and statewide priorities, and the availability of funds for improvements, modifications of plans will in all probability be necessary.

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A feedback to Testing and Evaluation will be made and the system will again be tested with the inclusion of the fiscal constraints studies in priority setting.

f) Establishment of Detailed Program (19*)

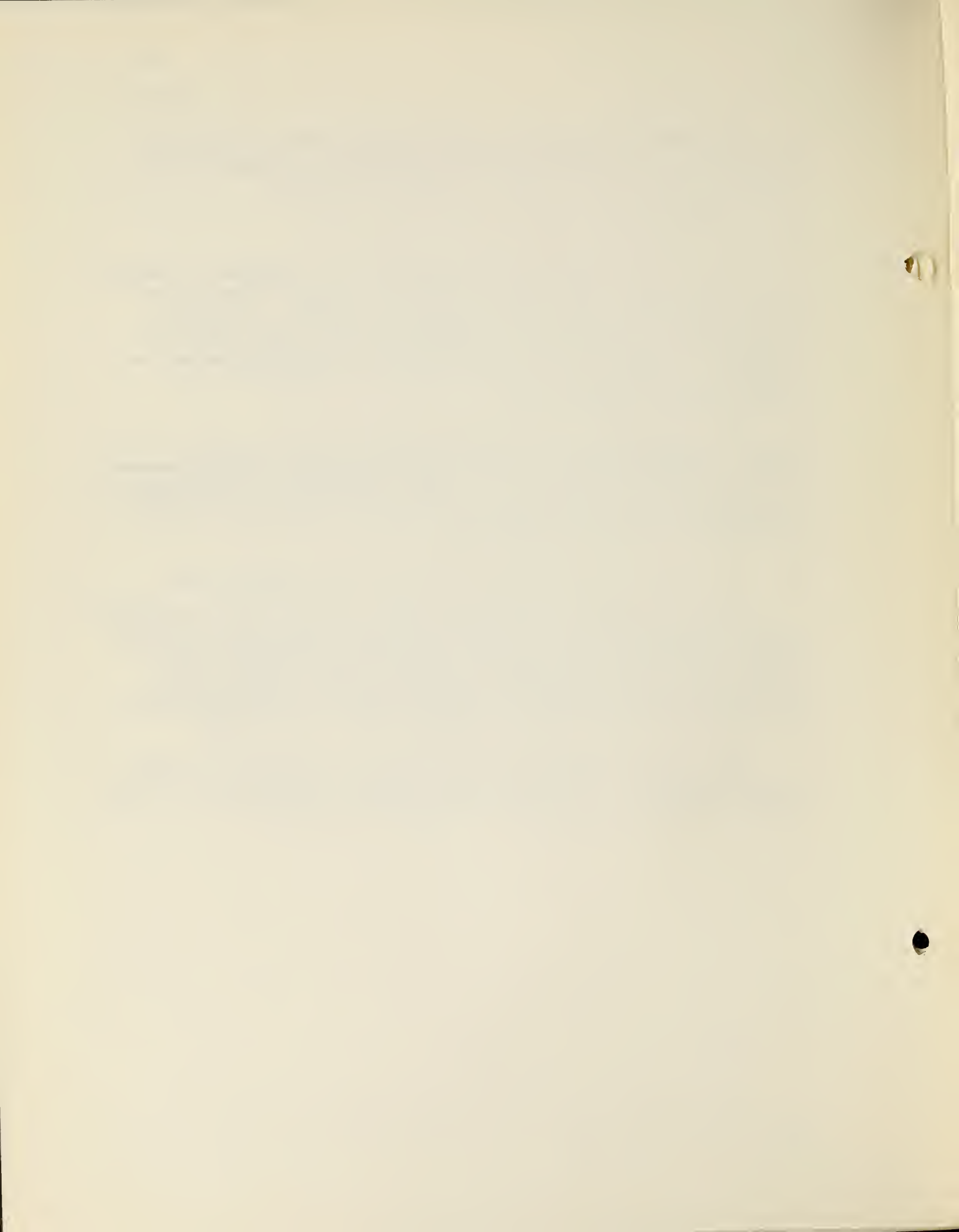
As regional and statewide networks are updated, a reasonable flow of projects from Planning to Project Development will depend on a detailed submission program. It should not be the objective of this program to set time frames on implementation, because many projects in the program may be delayed or postponed because of policy changes or later environmental constraints.

The Comprehensive Transportation Planning Section of the BTP&D will be responsible for the preparation and maintenance of the detailed program. The Mass. Institute of Technology, under contract to the MDPW is presently developing improved procedures for fiscal planning.

g) Submission of Programs to Project Development (22*)

When a detailed program has been developed by the Comprehensive Transportation Planning Section, the Director of the BTP&D shall submit the program to the Chief Engineer for review and later submission to the Board of Commissioners. After review by the Board of Commissioners, the program will be submitted to the Fiscal Planning Unit of the BTP&D.

The Fiscal Planning Unit programs the project and sets fiscal priority. After priority setting, the Director of the BTP&D forwards the project to the Chief Engineer.



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B. PROJECT DEVELOPMENT PHASE

Introduction: The Project Development process is one of narrowing down options to produce a single alternative alignment for a highway. The process consists of two stages, Stage I Feasibility Studies and Stage II Detailed Studies. Under existing legislation, the Massachusetts Department of Public Works is neither authorized nor presently funded to perform detailed studies of other forms or modes of transportation in the Project Development process, but it is willing and available to participate in joint development studies and designs with those agencies funded to do so. Due to these present constraints, the process described will be primarily addressed to highway development.

B-1) Level of Action (24*)

After receipt of the detailed program from the Chief Engineer, the Deputy Chief Engineer for the Bureau of Project Development (BPD) shall convene the Level of Action Committee to select a Level of Action for the various projects that make up the program.

The Level of Action Committee is responsible for setting Levels of Action for all projects under the jurisdiction of the Mass. D.P.W., including those projects which come from sources other than the "detailed program", such as landscapes, scenic enhancement, reconstruction, maintenance, state aid, TOPICS, and various other projects. Exceptions to this requirement are listed under Scope and Applicability, Section I.

B-2) Level of Action I

(29/29a*) The Chief Engineer, upon written request of the Deputy Chief of Bureau of Project Development, authorizes the start of Environmental and Location feasibility studies and a public notice is inserted in community newspapers.

(30*) Decision is made by the Chief Engineer as to whether it is appropriate to seek FHWA participation in Location and Environmental studies.

(28*) After establishment of Level of Action by the Level of Action Committee, and authorization from the Chief Engineer, the Project Development Engineer will prepare a press release

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identifying the project and requesting public participation in its development.

(31*) After the decision by the Chief Engineer to seek Federal Aid, the Federal Aid Program Engineer requests FHWA preliminary engineering (PE). Program approval.

(33*) Upon receipt of FHWA Program approval, the Federal Aid Program Engineer (F.A.P. Engr) establishes the appropriate Engineering Work Orders to be used for assignment of costs for the projects's preliminary engineering.

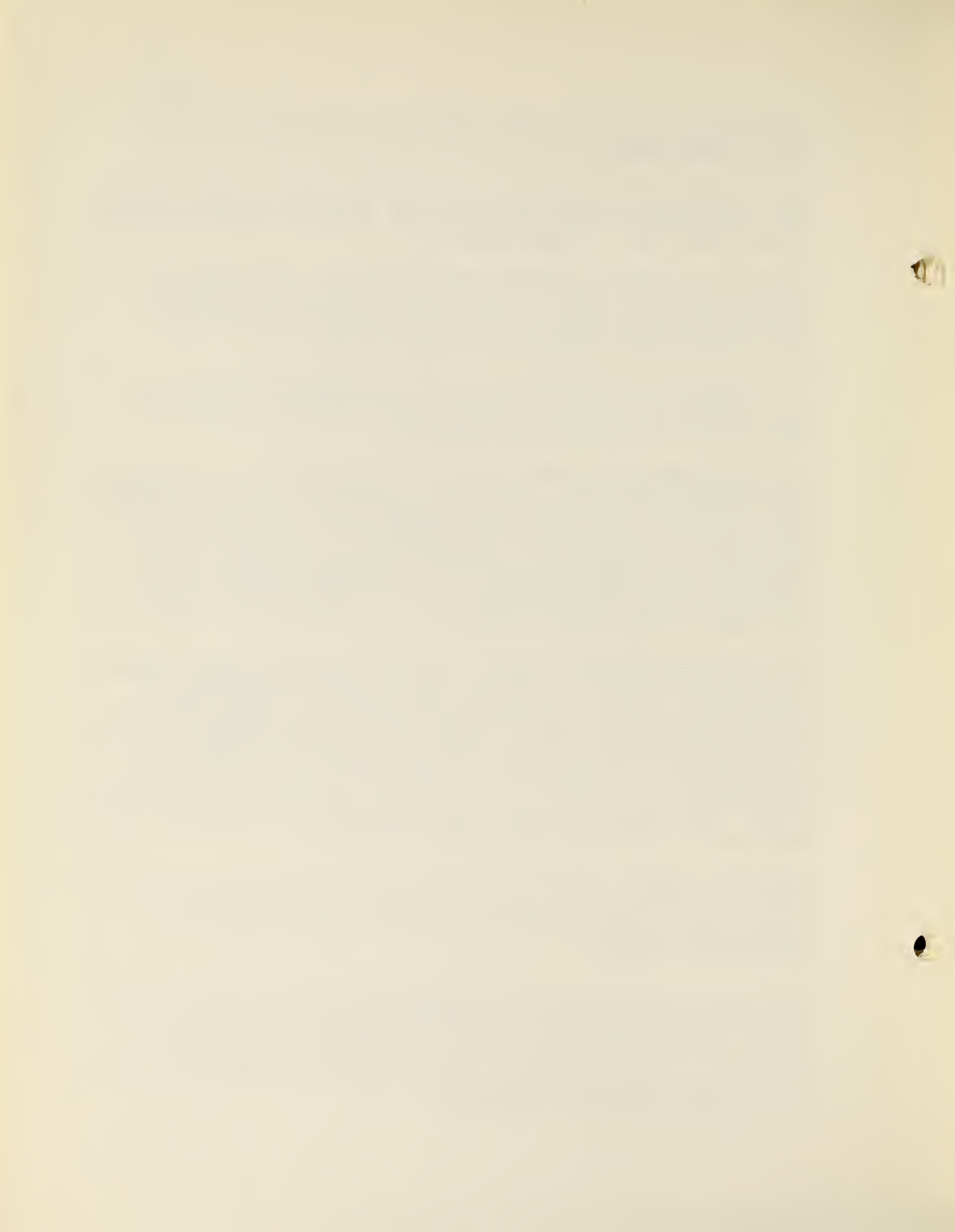
If the decision is not to utilize Federal participation at this time, the F.A.P. Engineer establishes an Engineering Work Order without FHWA participation.

(34*) Informational submission to Clearing Houses. If Federal participation has been sought and approved, the F.A.P. Engineer will transmit to the State Clearinghouse and the appropriate Metropolitan or Regional Clearinghouse a topographical locus map, a brief description of the project and a copy of the Planning Study Report prepared in the System Planning Phase, if said Planning Study Report has been prepared to include the project under consideration.

(35*) The Deputy Chief Engineer for Project Development assigns the project to the Location and Environmental Sections for feasibility studies. The Location section is responsible for the engineering feasibility study and the Environmental section is responsible for the environmental feasibility study. The Relocation Planning Section is responsible for the residential and business relocation portion of the Environmental Feasibility Study. Both sections report their findings to the Deputy Chief Engineer for the Bureau of Project Development.

(36/37*) Corridor traffic projections are obtained from the BTP&D and informal meetings are held with State Agencies, local groups and RPA's to assist in the preparation of the feasibility reports.

(38*) Upon completion of the feasibility studies, the Location and Environmental Engineers recommend necessary action to the Deputy Chief Engineer for Project Development on the desirability of further detailed studies. Copies of the feasibility studies are distributed to various groups (see Section V) and to the Level of Action Committee.



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(39*) The Level of Action Committee reviews the feasibility reports and either (a) confirms the same Level of Action, (b) assigns the project to a different Level of Action (II, III, or IV), (c) recommends re-cycling the project to Planning Phase, (d) recommends that the project be abandoned.

(40*) The Deputy Chief Engineer for the Bureau of Project Development, on the basis of the Location and Environmental feasibility reports and the recommendations of the Level of Action Committee decides to:

- (a) Proceed to Stage II Project Development and acquire corridor aerial mapping.
- (b) Re-cycle the proposal with recommendations and evaluation to the planning phase.
- (c) Abandon the project because of irreconcilable impacts.

(42*) The Deputy Chief Engineer for the Bureau of Project Development shall request appropriate corridor aerial mapping for alternative alignments. A notice will be placed in the local papers of the study area providing information on the aerial mapping corridor.

(43*) The selection of the Location Study team follows a decision by the Deputy Chief Engineer for the Bureau of Project Development to perform the study with in-house staff or by the use of a consultant. If it is decided that a consultant is necessary, the Deputy Chief Engineer for BPD requests that the Chief Engineer have the Architects and Engineers Board provide several names of qualified firms for the type of project under consideration. The A&E Board selects several qualified firms and the Commissioner chooses one firm and sends the name through the Chief Engineer to the originating Deputy Chief. The Deputy Chief then directs the Project Development Engineer to prepare a request for proposal.

The TPAG of the appropriate area will be invited to participate in the determination of the scope of work for Level of Action I and II projects. A documented request is then made to the Board of Commissioners to approve the contract before it is sent to the Department of Administration and Finance (A & F) for approval.

The consultant starts work only after approval of the contract by A & F and at the direction of the Department's Secretary. The Project Development Engineer then requests the Location Engineer to assign a member of his staff to administer the study.

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(44 & 45*) Environmental Impact Studies are conducted concurrently with the Location Studies. Limited Environmental Studies (EIS) are done with in-house staff. In those cases where a consultant is selected to prepare the E.I.S. the selection procedure is similar to that used for Location Consultants, except that the Office of the Secretary of Environmental Affairs has to approve the selection of the consulting firm, and the same firm may perform both studies simultaneously. It is Department policy that firms which prepare EIS and Location Reports are not eligible to perform Design Studies for the same project.

(47*) Prior to the first combined Environmental and Location public information meeting, an advance informational meeting is held with local elected officials to acquaint them with the general aspects of the study. It is the responsibility of the Project Development Engineer to request of the Public Meeting and Hearing Coordinator that arrangements be made for this meeting and of meetings held throughout the Project Development Phase. The Public Meeting and Hearing Coordinator notifies the elected officials of the time and place of the meeting, the scope of the meeting, and invites a representative from the appropriate DPW District Office to attend the meeting.

(48*) The first combined Environmental and Location Public Information meeting is held in the study area upon the initiation of the detailed Location and Environmental Studies. At this meeting, only blank maps with broad corridors are displayed. A proposed schedule of public meetings and of project progress is shown at this time.

(51*) As a part of the Environmental Impact Study, a conceptual relocation study is performed to assess the ability of the area to support relocation, to provide means for replacement housing, functional replacement, and business facilities and to assess impacts on neighborhood cohesion and stability.

(52*) The second combined Environmental and Location public information meeting is held at approximately the 25% mark of the Stage II studies. Information developed in the previous 25% is presented at this time and additional input is made by the various groups and individuals in attendance. Occupants of property affected by each proposed alternative alignment are notified. If necessary, special meetings are held with potential relocatees.

(53*) The third combined meeting is held at the 50% mark of Stage II studies and more detail is presented to the community

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for evaluation and comment. At these meetings, all questions, proposals, and issues raised at prior meetings are responded to by the Department. It is Department policy to present maps showing structures and property taken, at the appropriate level of detail to the development.

(55*) The fourth combined Location and Environmental public information hearing is held at the 75% mark of Stage II studies and the public is presented with the draft Location Report and Draft Environmental Impact Statement for review and comment. (See Involvement Section VII (procedures for distribution of DPW reports and notices)).

(56*) The Draft Environmental Impact Statement is circulated among the various reviewing agencies. Comments are requested to be returned within 45 days. At this time, the Conceptual Stage Relocation Plan is submitted to the FHWA for approval, with findings included in the EIS.

(57*) Comments which are received on the draft reports are evaluated and responses made will be included in the Final EIS and Location Reports.

(58*) The Level of Action Committee reviews the Draft Location and Environmental reports and the comments thereon and makes decision to a) Maintain the same Level of Action b) Change the Level of Action c) Recommend re-cycling the project d) Recommend abandonment of the project.

(59*) Based on the evaluation of comments received throughout the participation process the draft reports and the recommendations of the Level of Action Committee, the Chief Engineer makes a decision to:

- (a) Advance the project to the corridor public hearing
- (b) Proceed at a different Level of Action selected by the Level of Action Committee.
- (c) Re-cycle the project
- (d) Abandon the project

(60*) Prior to the corridor public hearing, the Deputy Chief Engineer for the BPD requests the Public Meeting and Hearing Co-ordinator to schedule an advance informational meeting with area elected officials to inform them of the aspects of the various alternatives studied during Stage II.

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(61*) The Public Meeting and Hearing Co-ordinator is responsible for the notification and other details of the Corridor Public Hearing (See PPM 20-8 Appendix). These details are set forth in a description of duties contained in the Organization Section (Section II).

(62*) A field review of the various alternatives is conducted with F.H.W.A. and local elected officials.

(63*) Comments and reviews received from various reviewing agencies are assembled for presentation at the Corridor Public Hearing.

(64*) Pre-hearing public displays are presented at convenient times and locations in the corridor study area to further acquaint the public with the alternates under study prior to the Corridor Public Hearing.

(65*) The formal Corridor Public Hearing is held in the local communities at a convenient time and location. Informed DPW representatives are available at the hearing to explain the various alternates and to answer questions. An explanation of Relocation Procedures is made and materials explaining this procedure are distributed. The entire hearing is tape recorded and a stenographic transcript is prepared of all comments received at the hearing and of all written comments submitted up to ten days after the hearing.

(66*) All comments at and resulting from the public hearing are evaluated and responded to in the Final EIS. These responses are submitted to the F.H.W.A. along with the hearing transcript and the EIS and Location Report.

(67*) Following review and response to comments on the hearing the Chief Engineer makes a decision to: (a) Request FHWA Location approval; (b) Re-cycle to Planning; (c) Abandon the project.

(68*) A detailed submission is made to State and Metropolitan or Regional clearinghouses at least 30 days prior to requesting FHWA location approval.

(69*) The DPW selects an alternate or a combination of alternates, requests FHWA approval, and publishes notice of the alternate selected and of request for FHWA approval.

(70*) DPW publishes notice of FHWA action and gives notification of project disposition by the Department.

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(71*) The Level of Action Committee reviews the project and makes decision to:

- (a) Maintain Level of Action I
- (b) Change Level of Action
- (c) Recommend re-cycle the project to Planning
- (d) Recommend abandonment of project.

B-3) Level of Action II

Steps 24a through 47a as previously described, apply to both the Level of Action I and the Level of Action II situations. The principal differences of Level II from Level I procedures are that:

(1) The Stage I feasibility studies are optional and will be conducted as determined by the Level of Action Committee upon review of the recommendations of the Environmental and Location sections of the Bureau of Project Development. (Note: The Stage II EIS and Location studies are still a requirement.)

(2) There shall be three combined Environmental and Location public information workshop meetings in the communities prior to the corridor public hearing.

(3) There shall be only one public hearing, which shall be a combined corridor Location/Design hearing.

(4) If Federal Law requires a separate Location hearing at the time of approval of this Action Plan, this hearing will be held in accordance with PPM 20-8 until such time as the PPM is revised. (See copy of PPM 20-8 in Appendix)

(48a*) The first of three combined Environmental and Location public information meetings is held in the corridor area at the beginning of detailed studies to solicit input from the community. At this meeting, only blank maps of the area are displayed. A proposed schedule of public meetings and of project progress is shown at this time.

(49a*) Meetings are held with local and state agencies and public utilities throughout the detailed study stage to develop impact information.

(52a*) The second combined Environmental and Location public information meeting is held at approximately the 40% mark of the detailed study stage. Information developed during the previous 40% is presented to the public and additional input is requested.

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(55a*) The third combined Environmental and Location public information meeting is held at the 75% mark of the detailed study stage. The Draft Location Report and Draft EIS is presented to the public for review and comment.

(56a*) The Draft Environmental Impact Statement is circulated to the various reviewing agencies, Comments are requested to be returned within 45 days. At this time, the Conceptual Stage Relocation Plan (if necessary) is submitted to the FHWA for approval, and the findings are included in the EIS.

(57a*) Comments on the Draft EIS and the Location Report will be evaluated and responded to in the final EIS and Location Reports.

(58a*) The Level of Action Committee reviews the Draft and the responses there to and (a) Maintains Level of Action; (b) Changes Level of Action; (c) Recommends recycling of project; (d) Recommends abandonment of project.

(72a*) Based on comments received on the draft EIS and Location Report, and on the recommendations of the Level of Action Committee, a committee made up of the Chief Engineer, the Deputy Chief Engineer for Project Development, the Environmental Engineer and the Location Engineer will select a single alignment consisting of either a single alternate or a combination of alternates. This selection will be forwarded to the Highway Engineering Division (HED) for further refinement and a basic design study. Notice of the alternative selected will be published in the local newspapers of the study area.

If Federal Law requires a separate Location Hearing at the time of approval of this Action Plan, the hearing will be held prior to the selection of the alternate corridor as in steps 60 - 65 of Level of Action I.

B-4) Level of Action III

Level of Action III projects generally consist of improvements to existing alignments, some state aid projects, and various other projects with minor environmental impact. Location studies are rarely necessary for these types of projects. Environmental Impact Statements (EIS) are not developed to the same detail as necessary for Levels of Action I & II. State Environmental Impact Reports (EIR) will be required for all Level of Action III projects except those which may utilize an Environmental Assessment Form (See guidelines for MDPW re State Environmental Law, Appendix).

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(83*) The Deputy Chief Engineer for Project Development will decide whether or not a Location Study is necessary for the project. Significant portions of the project must be on a new alignment and the project must also require an EIS or EIR to warrant Location Studies. If no Location Study is necessary, but an EIS is required, the Deputy Chief will inform the Environmental Engineer of this. EIS and EIR studies for Level of Action III projects, will, in most cases, be done jointly by the District Environmental Engineer and the Environmental Section of the BPD.

(84*) An informational meeting is held with local elected officials, RPAs and TPAGs to acquaint them with the beginning of project studies and the data to be studied.

(85*) The first combined Location and Environmental public information meeting is held in the project area at a convenient time and location. Information on the project is presented and notification of possible alternatives to be studied is given. A proposed project schedule is presented at this meeting.

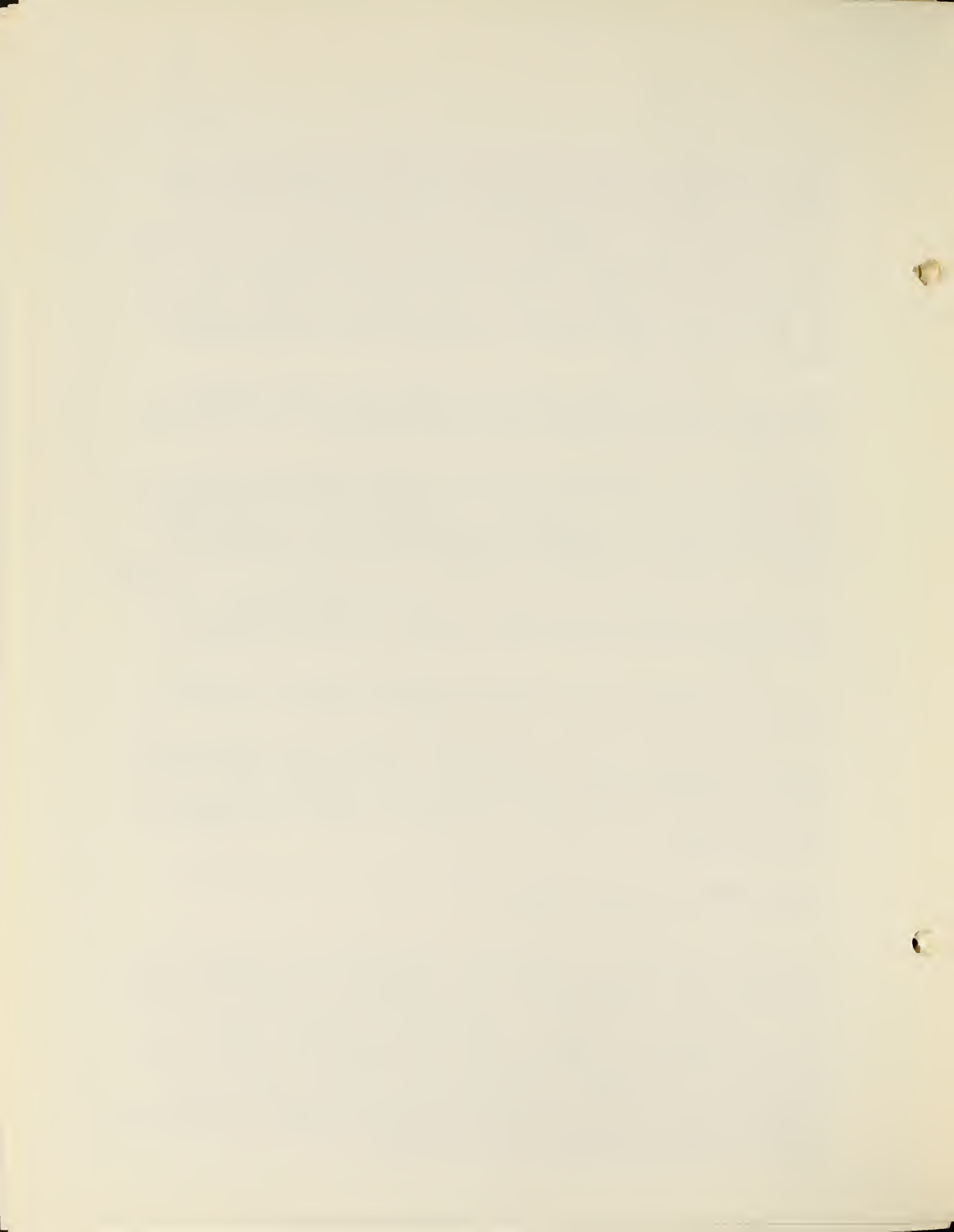
(86*) When a state aid project is under consideration, it is the responsibility of the city, county, or town to acquire the layout.

(87*) The EIS and (if necessary) Location Study is jointly developed by the District and the BPD.

(88*) The second and final combined Location and Environmental public information meeting is held in the project area. The Draft EIS (or EIR) and the Draft Location Report (if available) are presented to the public. The EIS or EIR is distributed to review groups.

(89*) Comments on the drafts are reviewed, evaluated, and included in the final reports.

(90-91*) For Federal Aid projects, the public hearing is advertised and held at a convenient location in the project area. Informed DPW representatives are available to answer questions and to explain the project. The entire hearing is tape recorded, a stenographic record is made of all comments and all written statements submitted up to ten days after the hearing. For state aid projects, hearings will be held either by the county or by the city or town proposing the project for all projects requiring land takings, and may precede, be concurrent with, or follow preparation of the EIS.



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(92*) For Federal Aid projects, public hearing comments and submittals are reviewed, evaluated and included with the hearing transcript in the final EIS.

(93*) As a result of the public hearing and meetings, the Level of Action Committee also utilizing comments received on the draft reports, may, upon request of the Chief Engineer, District Highway Engineer, TPAG, or responsible local elected official:

- (a) Maintain Level of Action III
- (b) Reallocate project to a different Level of Action
- (c) Recommend re-cycling of project
- (d) Recommend abandonment of project.

(94*) The Final EIS or EIR is submitted to the FHWA (for Federal Aid projects) and to the appropriate state agencies for review.

(95*) For Federal Aid projects a detailed submission is made to State and Metropolitan or Regional clearinghouses at least 30 days prior to requesting FHWA approval.

(96*) The District Highway Engineer, District Projects Engineer, District Environmental Engineer, Deputy Chief Engineer for Project Development, Location Engineer, and Environmental Engineer recommend a project alternative and so advise the Chief Engineer. The Chief Engineer thereupon requests FHWA approval for Federal Aid projects.

Public notice of the alternative selected shall be published in the local newspaper.

B-5) Level of Action IV

Level of Action IV projects consist generally of those projects having minimal adverse environmental impacts. They may include TOPICS, state aid, safety, reconstruction, fencing, landscaping, and other similar projects. Location studies are unnecessary because there is no major land taking involved. EIS and EIR studies may consist of negative declarations and/or environmental assessment forms or no action. Most, if not all of the environmental studies will be performed at the District level.

(98-102*) These steps are basically similar to Level of Action III Steps 83-89, with the exception of the second public informational meeting and the EIS requirement.

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(103-104*) Public hearing requirements for Level of Action IV projects will be waived when there are no landtakings. State aid projects which require land takings require public hearings to be held and either the county or the city or town proposing the project will be responsible for the public hearing.

For Federal Aid projects which require a public hearing the Department will hold a combined Location/Design public hearing similar to Steps 90 and 91 of Level of Action III.

(105*) Subsequent to the preparation of the draft EIR and public meeting and hearing, the Level of Action Committee, may, upon written request of the District Highway Engineer, TPAG, or responsible local officials, review the project for possible reallocation. The Level of Action Committee will: (a) Maintain Level of Action IV; (b) Reallocate the project to a different Level of Action; (c) Recommend re-cycling the project; (d) Recommend abandonment of project.

(106*) The Final EIR is submitted to the Secretary of Environmental Affairs.

C. ENGINEERING DESIGN

Introduction: The Engineering Design Phase is a further refinement process in resolving the highway details within the corridor selected for the highway facility in the Project Development Phase. This phase will develop the plan details and specifications necessary to advertise the selected highway facility for construction and may consist of two stages, Basic Design and Final Design for Level of Action I projects.

C-1) Level of Action I

a) Basic Design

(110*) This process begins when the Chief Engineer, in conjunction with FHWA approval, authorizes proceeding with Basic Design of the highway facility within the selected corridor.

(111*) The Basic Design Study begins with the Project Manager reviewing public hearing notes and the final EIS for the project corridor study. He then proceeds to refine the selected corridor study and expand liaison activities with affected utilities, municipalities, and state agencies. The ROW Bureau reviews the proposed location for ROW input to the Basic Design.

(112*) The Basic Right of Way plan defining property owners and parcel plans, which may be affected by the project begins at this time. The Right of Way Projects Section reviews the plans and returns them for necessary refinement.

(113*) The Right of Way project program request is submitted to the FHWA. Request for authorization to develop a replacement housing program is made when preliminary studies have indicated such measures may be necessary.

(114*) Upon completion of the draft Basic Design Report copies will be distributed for review and informal public meeting(s) will be held to discuss the various issues and details outlined in this report. The schedule on public meetings is outlined in Section VII on Involvement.

(115*) Upon receipt of FHWA approval of the proposed Right of Way program the relocation and replacement housing components are further developed. Potential relocatees are personally interviewed to determine their needs and preferences for relocation.

(116*) An advance informational meeting will be held with local elected officials prior to a general distribution of the project's final Basic Design Report. When replacement housing of more than 25 units is necessary the Replacement Housing Advisory Committee is established.

(117*) The Final Basic Design Report will be distributed in accordance with the procedure outlined in Section VII, Involvement. Public meetings will be scheduled to solicit comments both written and oral regarding this report. Comments received at this meeting or in the mail 45 days after distribution, will be acknowledged and copies of the action taken by the Department relative to them will be distributed both to those submitting the comments and those receiving the Final Report.

(119a*) Following the public meetings on the Basic Design report, the Level of Action Committee will review comments and (a) Maintain the Level of Action (I); (b) Change Level of Action; (c) Recommend re-cycling project.

(120*) The Basic Design Report is submitted for approval to the FHWA with comments and the summary of action taken on the comments. Notice of the Department's submission to the FHWA is published in the regional and local newspapers.

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(121*) The Department will publish a notice in the same newspapers acknowledging the FHWA's disposition of the Department's submission and the action to be taken on the project. Written notification of this action will be forwarded to the local municipalities, RPAs and TPAGs affected by the project.

(121a*) Replacement housing construction is begun when necessary to assure adequate relocation.

C-1) Level of Action I

b) Final Design

(122*) Upon receipt of FHWA approval the Project Manager will proceed with the engineering phase.

(123*) Forward the preliminary geometric design to the FHWA for approval and comments.

(124*) Upon receipt of the FHWA approval and comments, adjustments are made to the plans to reflect their comments. The Project Manager then forwards the necessary plans and data to the various divisions within the Department to complete the detailed plans and computations required for construction information.

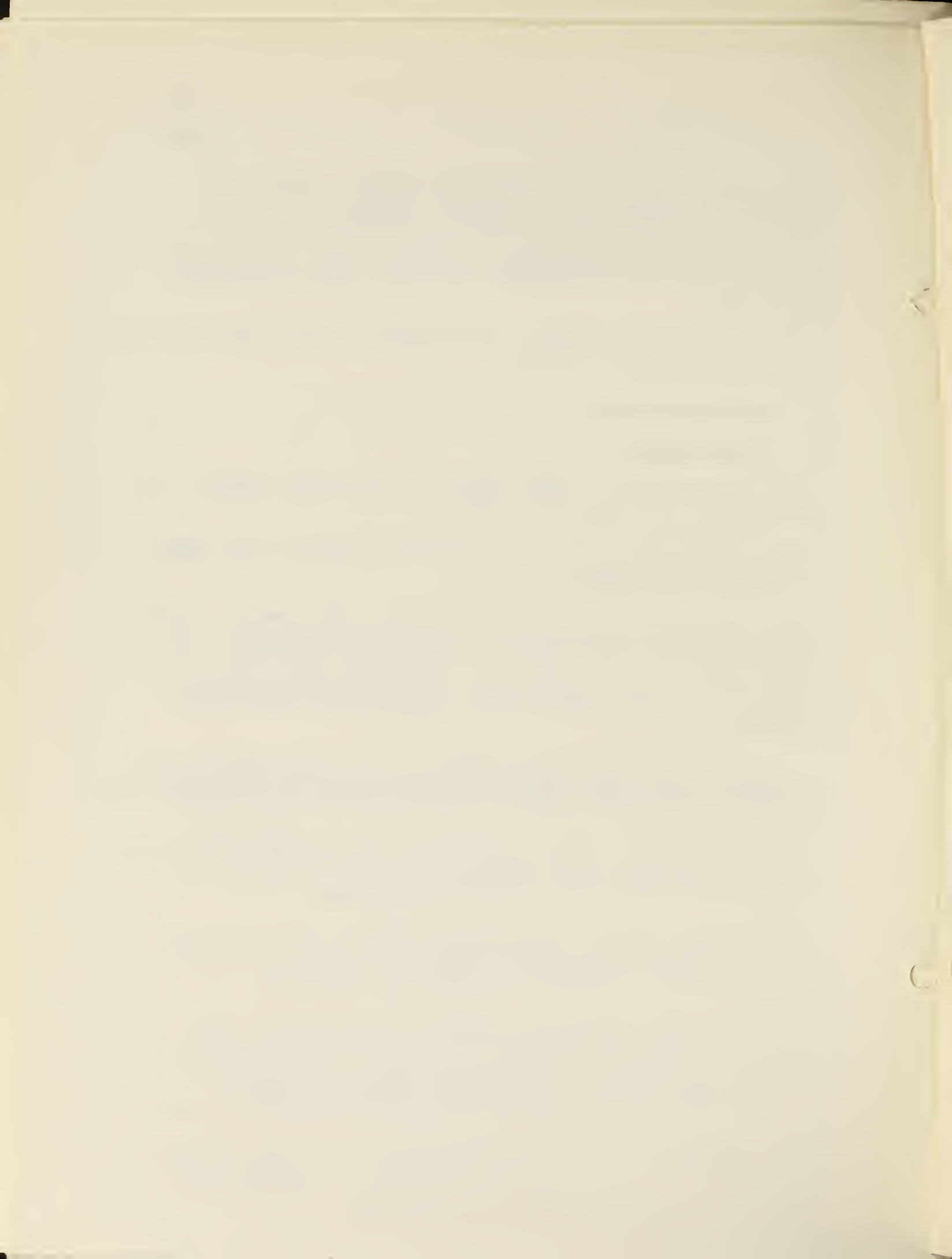
Copies of these approved plans will be forwarded to the appropriate TPAG, RPA, District Office, and local municipalities. A public information meeting may be scheduled upon request.

(125*) Preliminary Right of Way plans are proposed and forwarded to the ROW Bureau and Projects Section who reviews and returns for corrections to the Project Manager.

(126*) Advance project construction plans to the 75% stage and distribute to the Boston Construction Division Office, District Office and FHWA for review and comments.

Upon receipt of review comments the plans are adjusted. Prints of these adjusted plans will be forwarded to the Department's District Office with notice of their availability at that location to all interested parties. A public informational meeting may be held at this time upon request.

(127*) Necessary plans are prepared and the Notice of Intent filed with the local Conservation Commission or responsible local agency in compliance with Chapter 131, Section 40 as amended by Chapter 784 of the Acts of 1972.



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(128*) Layout Plans are completed and Order of Taking is filed in the appropriate Registry of Deeds office. The ROW Stage Relocation Plan is submitted to the FHWA for approval, documenting how the needs of each relocatee will be met (including replacement housing through new construction, housemoving, home ownership or rental subsidies).

(129*) Right of Way plans are submitted to the FHWA for approval. Upon receipt of approval, appraisals, acquisitions and relocations are commenced.

(132*) Layout plans are recorded and Order of Taking is filled. When FHWA approval is received the layout is acquired and relocations are begun.

(133*) All project design information is consolidated along with complete plans, specifications, and estimates.

(134*) Complete all ROW relocation activity. Adequate Replacement Housing has been made available to each relocatee.

(135*) Forward the final plans, specification, and estimate to the FHWA for approval to advertise for construction. Prints of the final project plans will be forwarded concurrently to the Department's District Office.

A notice of this action, noting the availability of informational plans being available in the District Office, will be published in the newspaper.

C-2) Level of Action II

a) Basic Design

The Basic Design Phase begins when the Chief Engineer, in conjunction with FHWA approval, authorizes proceeding with the Basic Design Study based on the selected alternative which has been selected and approved at the conclusion of the Project Development Phase.

A notice of the start of the Basic Design Study will be published in the area newspaper and written notification will be forwarded to the TPAG and local municipalities.

(73*) The Highway Engineering Division will prepare the draft Basic Design Report either through consultant contractor or in-house. This Report reflects the environmental issues addressed in the EIS and is a further refinement of the selected

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alternative. Informal public meetings will be scheduled during this preparation period for receiving input to the basic design study. (See Involvement, Section VII).

(74*) The Draft Basic Design Report will be distributed in accordance with the procedure outlined in Section VII, Involvement.

(75*) An advance informational meeting will be held with local elected officials prior to scheduling the combined public hearing.

(76*) Comments on the draft Basic Design Report will be evaluated for inclusion in the final report, with response thereto.

(77*) Potential relocatees are identified and given complete information on relocation procedures, and a proposed time schedule for relocation.

(78*) Basic ROW plans are developed for inclusion in the Basic Design Report.

(79*) The ROW Project Program Request is submitted to FHWA for review and comment.

(80*) The formal combined Location/Design public hearing is held in the local community at a convenient time and location. Responsible DPW representatives are available at the hearing to explain the various exhibits and to answer questions. An explanation of Relocation procedures is made and pamphlets explaining this procedure are distributed. The entire hearing is tape recorded and a stenographic transcript is prepared of all comments made at the hearing and of all written statements submitted up to ten days after the hearing. If Federal Law requires a separate Location Hearing at the time of approval of the Action Plan, no Design Hearing will be held. In lieu of the elimination of the Design Hearing, informal public meetings will be scheduled as in steps 117-119 of Level of Action I.

(81*) Comments from the public hearing are evaluated and responded to in the transcript and comments are forwarded to the FHWA for review.

(82*) The Chief Engineer makes decision to:

- (a) Request FHWA approval
- (b) Re-cycle the project
- (c) Abandon the project.

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(140*) At least 30 days prior to request for FHWA approval a detailed submission will be made to State, metropolitan, and/or regional clearing houses.

(141*) The Department requests FHWA approval and publishes notice of request in local area newspapers.

(142*) The Department publishes a notice acknowledging FHWA approval or non-approval and action to be taken on the project. Written notification of this action will be forwarded to the local municipalities.

C-2) Level of Action II

b) Final Design

(143*) Upon receipt of FHWA approval, the Project Manager will proceed with the Engineering Phase.

(144*) Preliminary geometric design is completed and forwarded to the FHWA for approval.

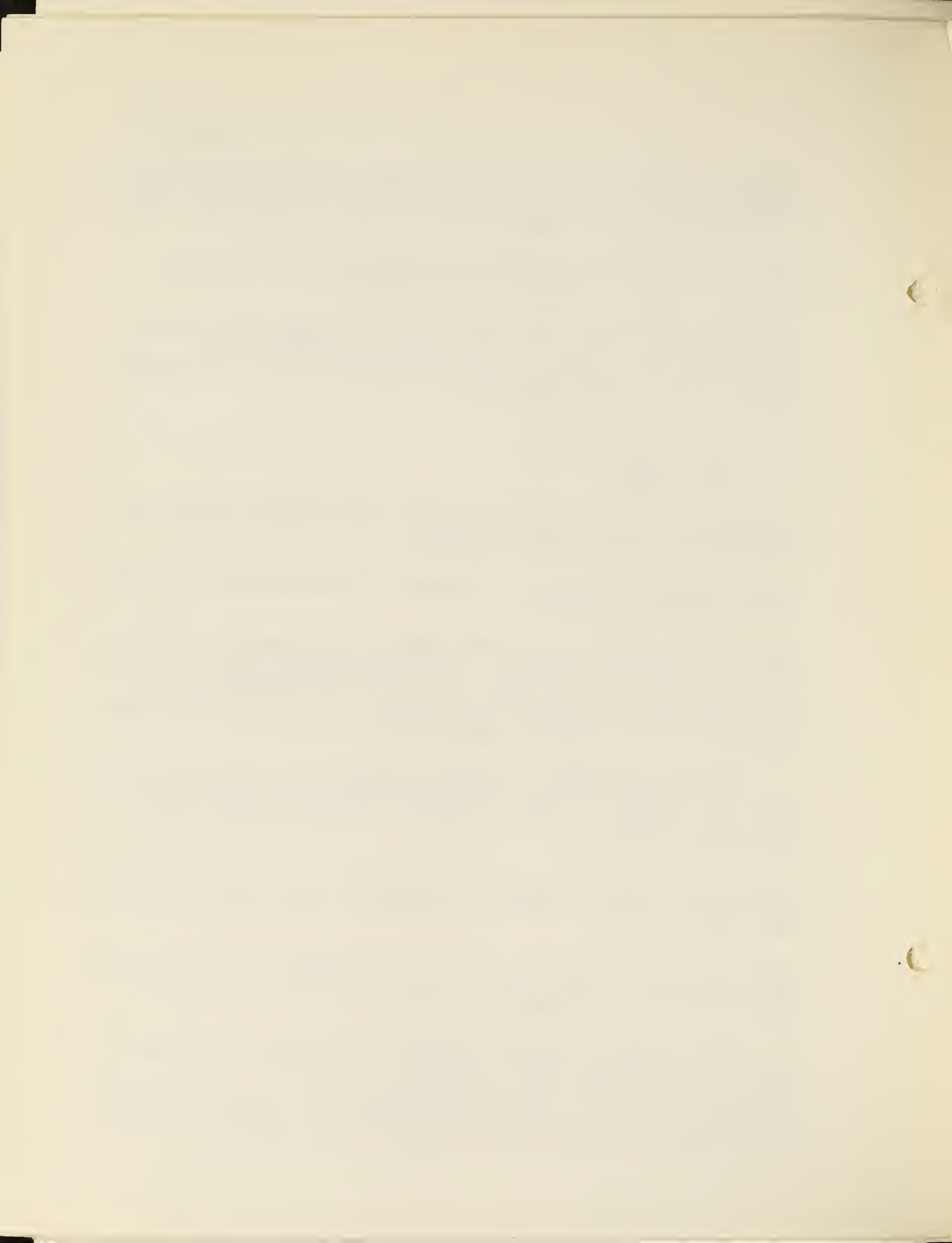
(145*) Upon receipt of the FHWA approval and comments, adjustments are made to the plans. The Project Manager then forwards the necessary plans and data to the various divisions within the Department to complete the detailed plans and computations required for construction information.

In addition copies of these approved plans will be forwarded to the appropriate RPA, District Office, and local municipalities involved. A public meeting (informational) may be scheduled as required.

(146*) Preliminary ROW plans are prepared and forwarded to the ROW Bureau to begin necessary Relocation study and acquisition and appraisal work.

(147*) Project construction plans are advanced to the 75% stage and distributed to the Boston Construction Division Office, District Office and FHWA for review and comments.

Upon receipt of review comments the plans are adjusted. Prints of these adjusted plans will be forwarded to the Department's District Office with notice of their availability at that location to all interested parties. A public informational meeting may be held at this time upon request.



(148*) Necessary plans are prepared and the Notice of Intent is filed with the local Conservation Commission or responsible local agency in compliance with Chapter 131, Section 40 of the Acts of 1973.

(149*) Layout plans and Order of Taking are completed for filing in the appropriate Registry of Deeds.

(150*) Right of Way plans are submitted to the FHWA for approval. Upon receipt of relocation plan approval, the Department proceeds with acquisition of the layout.

(151*) When FHWA approval is received, layout is acquired. Layout plans and Order of Taking are recorded in the appropriate Registry of Deeds Office. Relocation activity is begun.

(152*) All Design activities on the project are consolidated and plans, specifications, and estimates are completed.

(153*) All ROW relocation activity is completed.

(154*) The final plans, specification, and estimate are forwarded to the FHWA for approval to advertise for construction. Prints of the final project plans will be forwarded concurrently to the Department's District Office. A notice of the availability of informational plans in the District Office will be published in the newspaper.

C-3) Level of Action III

a) Final Design

(160*) The final design for Level of Action III projects is initiated by the District Highway Engineer or Highway Design Engineer in conjunction with FHWA approval (if required).

(161*) The Project Manager reviews the public hearing transcript and final EIS for the project and identifies key elements of the design.

(162*) Design data is obtained from various sources for refinement of plans.

(163*) The design is prepared either by the District, the Highway Engineering Division (HED) or by consultants.

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(164*) At approximately the 50% stage of engineering, a public information meeting is held in the project community. The participants at this meeting include: project abutters, RPA and TPAG, State Agencies, local officials and any other person or groups wishing to attend.

(165*) Based on the results of the 50% meeting the design is further refined as necessary.

(166*) At the 75% stage of the design, the plans are sent to the local community and the RPA and TPAG for review. If the project is a Federal aid job, the 75% plans are sent to the FHWA for review.

Upon receipt of review comments the plans are adjusted. Prints of the adjusted plans are forwarded to the Department's District Office with notice of their availability at that location to all interested parties. A public informational meeting may be held at this time upon request.

(167*) Prepare necessary plans and file Notice of Intent with the local Conservation Commission or responsible local agency in compliance with Chapter 131, Section 40 of the Acts of 1972.

(168-169*) Upon receipt of the final Order of Conditions from the local Conservation Commission, the final Plans, Specifications, and Estimate (PS&E) are developed.

(170*) For Federal Aid projects, the PS&E is sent to the FHWA for approval.

(171-172*) After FHWA approval of the PS&E, the project is advertised for bids, the bids are opened and the contract is awarded to the lowest responsible bidder.

C-4) Level of Action IV

a) Final Design

The described process is primarily geared to state aid (Chapter 90) projects which are initiated by the local communities. Due to the large number of projects proposed under the state aid program, as in the past, the Districts, in cooperation with the communities will continue to set priorities for Chapter 90 work, although Chapter 90 work can be expected to include TOPICS-type work in the future and become of major local concern.

TOPICS projects are prioritized under the Areawide TOPICS Program developed for the local communities by the Department with local participation through the 3C process. The Deputy Chief Engineer for Traffic Operations supplies the District with these priority listings.

(180*) The District State Aid Section prepares a Design Data Sheet (DDS) and forwards this to the District Projects Section. The DDS contains design criteria for the proposed project.

(181*) For Chapter 90 projects, the District State Aid and Projects Sections establish annual priority listings. TOPICS projects are prioritized in the Areawide TOPICS Programs for the communities.

(182*) Design is carried out in the Districts for most projects in Level of Action IV. The Projects Manager reviews previous work on the project and incorporates previously identified Environmental considerations into the project design.

(183*) The local community is advised of the project status at the beginning of the Engineering Phase.

(184-185*) District Project Section and the Environmental Engineer jointly develop the project design.

(186*) The 75% plans are reviewed by local elected officials, and the TPAG when of a regional matter. A public informational meeting may be held upon request.

(187*) Necessary plans are prepared and the Notice of Intent is filed with the local Conservation Commission or responsible local agency in compliance with Chapter 131, Section 40, of the Acts of 1972.

(188-189*) Upon receipt of the final Order of Conditions from the local Conservation Commission, the final PS&E is developed.

(190-191*) The project is advertised for bids, the bids are opened and the contract is awarded to the lowest responsible bidder.

PART 2

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SECTION V

Identification of Potential Economic, Social and Environmental Effects of Transportation Networks and ProjectsA SYSTEM PLANNING PHASE

In the early planning phases, the identification of potential ESE impacts without some basis for analysis is difficult. In order to provide for broad scope identification of environmentally, socially and economically sensitive areas within the various regions and Districts in the early system planning phase and throughout the development process, an environmental inventory will be instituted.

A-1) Environmental Inventory

Beginning with the approval of the Action Plan, each District Environmental Engineer will obtain a set of the latest available Statewide Inventory of Public Lands for the Bureau of Project Development. Additional data to be posted on the maps shall initially consist of the following: Major State, county, and town forests; Major wetlands areas; Major parks; Known 4 (f) areas; Major historic areas and sites.

Much of this data has been previously compiled by the Mass. D.N.R. and by some RPAs and should be incorporated into the inventory before obtaining new data.

As work on the environmental inventory progresses, additional data on some of the lesser known sensitive areas will be obtained through project studies. Sources for this data include the following:

The Massachusetts Historical Commission
Local historical societies and groups
The Department of Natural Resources (or Environmental Affairs)
Local Conservation Commissions

The maintenance of these maps is a function of the DNR. Additional data posted thereon by the District will provide up to date information on all environmentally sensitive areas for use in transportation planning and in later studies.

A-2) Identification of Transportation Factors

Under memoranda of understanding signed by the RPAs the MDPW, and EOTC, Committees known as TPAGs have been formed to carry on a comprehensive, continuing, cooperative

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process. This process provides the means by which transportation factors such as the following are identified:

- Changes in land development
- Changes in travel demand
- Land Use
- Travel Forecasting procedures to be utilized
- Identification of citizen groups interested in transportation
- Identification of fiscal policies directed to the implementation of balanced transportation system proposals developed at the regional level.

Additional factors are included in the sample memorandum of understanding attached in the Appendix.

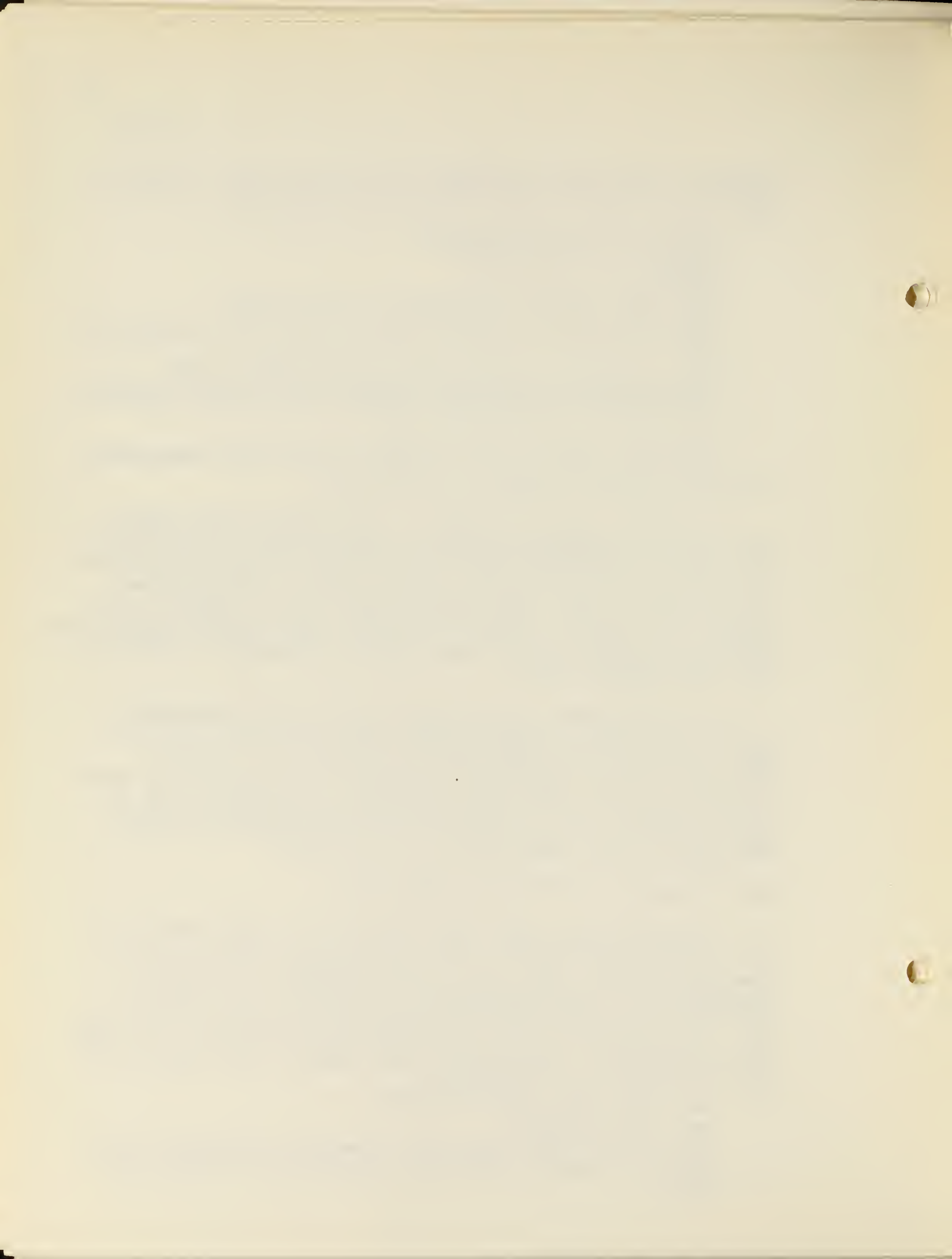
The BTP&D assists the TPAG in identifying these factors and currently conducts functional classification studies and inventories of transportation facilities, travel, environmental, etc. These studies, surveys, and inventories identify key factors such as the usage and character of all highways, railroads, and airports, volumes of travel, environmental constraints, community economic factors and regional/community sociological and demographical data.

It is Department policy that any basic data developed during the course of these studies and inventories will be made available for examination to any state or regional division of local government or organized citizens group upon written request to the Chief Engineer. This material is to be used only for the evaluation of system planning results developed for the community of the requestee.

A-3) Providing Information on ESE Effects

In order to provide early information on ESE effects in the system planning phase, the Comprehensive Transportation Planning Section, under the policy guidance of the TPAG, is responsible for the preparation of a Planning Study Report. This document will be developed concurrently with the development of alternative broad corridors and modes after needs have been determined. The Planning Study Report, on a broad scale, shall consider such factors as:

- Air, Noise, and Water Pollution
- "No Build" Impacts
- Impacts on Natural Resources, Community Cohesion, Availability of Public Facilities and Services and Aesthetic Values



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Impacts on Property Values and Tax Rates
Impacts on People, Businesses and Farms
Impacts on any Specifically Identifiable Group
Impacts on Regional and Community Growth
The Costs of Eliminating or Minimizing Adverse Impacts
of the Various Alternatives.

The Draft Planning Study Report will be distributed to the regions and communities to which it applies as follows: TPAG, RPA, local, town or city, local public library and Department District Office. Notice of the distribution of the Draft Planning Study Report will be published in the local newspaper by the Public Information Coordinator.

No alternative corridor, mode, or combination of modes will be selected for further study until the public and other review groups have had at least 45 days to respond to the Planning Study Report and the Department has documented the community input and responded.

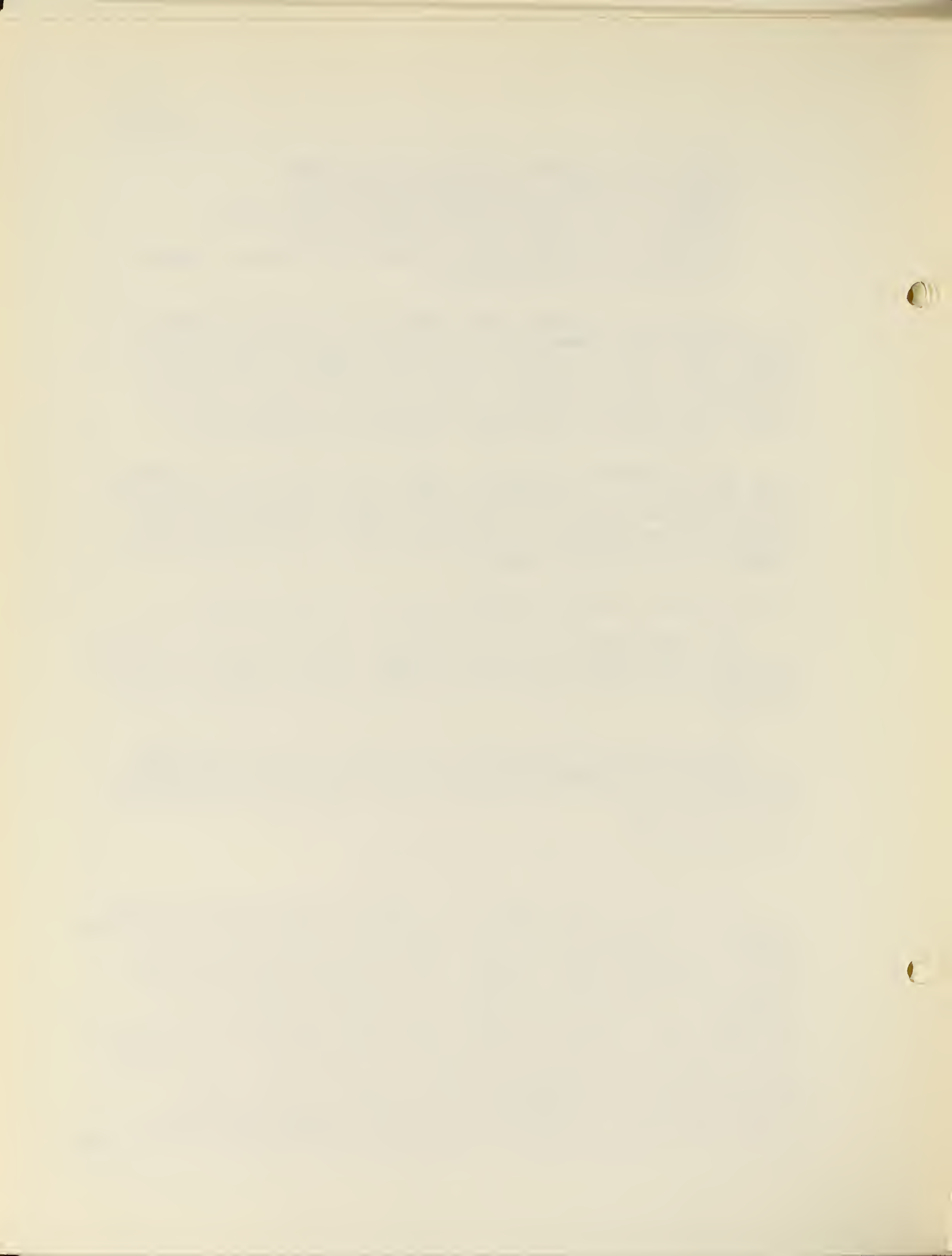
A-4) Controlling the Technical Quality of ESE Studies

The Comprehensive Transportation Planning Section and the Research, Training and Special Studies Section shall be jointly responsible for controlling the technical quality of ESE Studies.

Through the development of training programs for BTP&D personnel and through the monitoring of completed projects, new methods for the conducts of such studies will be developed and utilized.

A-5) Monitoring of Current ESE Research

In order to help assure the timely monitoring of current research in the environmental, economic, social, and engineering aspects of transportation there shall be established in the MDPW a transportation library. This library shall be supervised by a librarian who shall be a person trained as a technical or scientific librarian and this shall be a full time position. The funding of the library shall be a separate budget item and shall be sufficient to establish and maintain the purchase of periodicals, books, reports, etc. The Library Section shall be responsible for actively disseminating "state of the art" information within the Department and to any outside group, agency or individual who may have an interest.



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A-6) Monitoring of ESE Effects on Completed Project

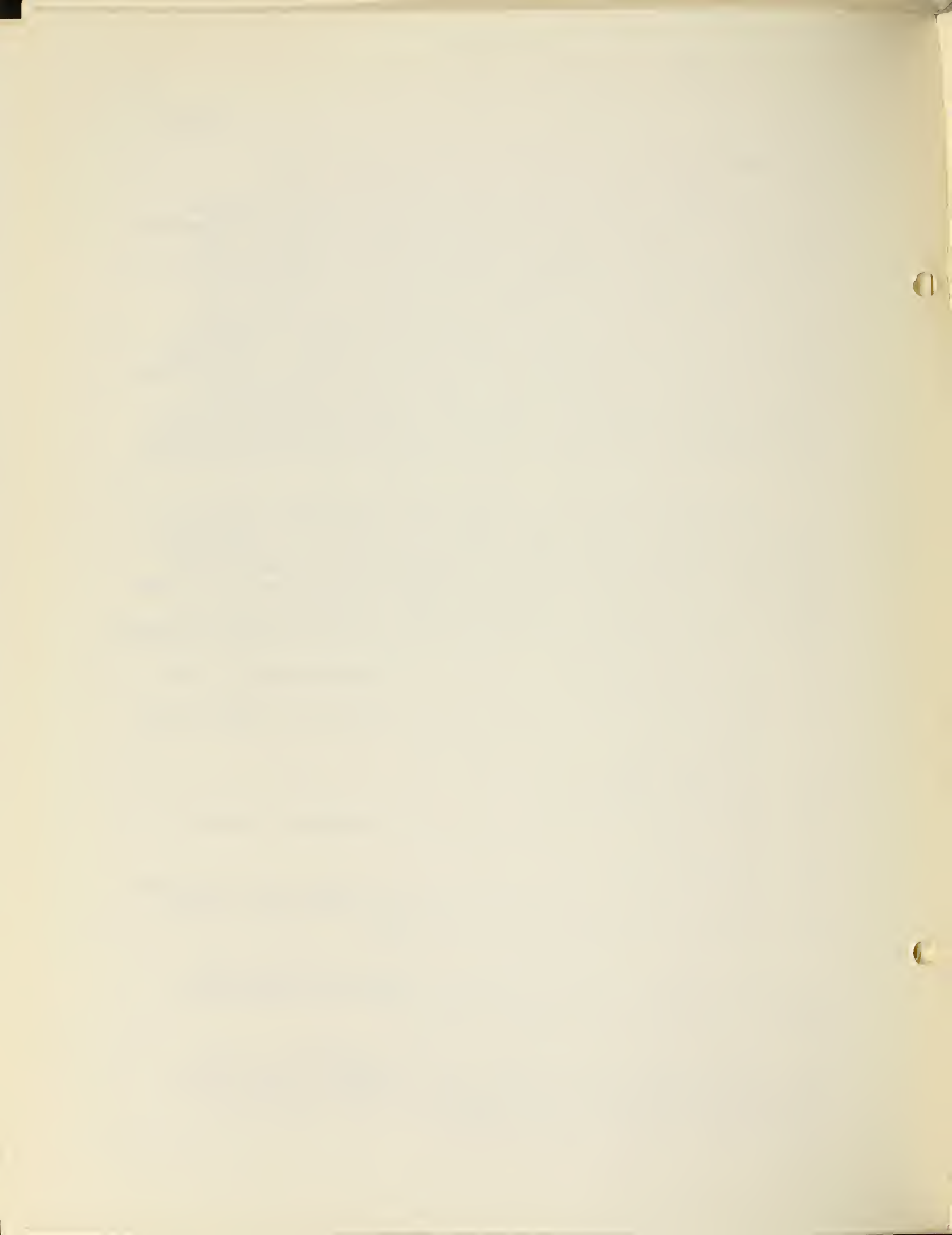
The monitoring of completed projects for ESE effects shall be the responsibility of the Supervisor of the Research, Training, and Special Studies Section of the BTP&D in the area of economic and social effects and the responsibility of the Department's Environmental Manager in the area of natural/environmental effects. The Research and Materials Engineer shall have the responsibility to monitor physio-chemical effects of selected completed projects. Extensive use shall be made of our State University staff in evaluation of the effects of completed projects through cooperative agreements and contracts such as is presently being done for the Department by staff at Worcester Polytechnical Institute in the study of the social impact of Rte. I-91 in Springfield.

The Project Manager for each Level of Action I or II project shall, during the design phase convene a meeting of the Department's Environmental Manager, Super. of Research; Training, and Special Studies, the Research and Materials Engineer, and any other parties deemed appropriate to consider the suitability of the project in part or in total, as a project to be monitored for any or all of the following factors:

- (a) Land use before and after and its relationship to the predicted uses.
- (b) Air quality, water quality, and noise levels before and after.
- (c) Flora and fauna before and after.
- (d) Economic growth.
- (e) Community cohesion
- (f) Re-locatees (are there significant changes in living patterns?)
- (g) Community tax base.
- (h) Beneficial and adverse changes in neighborhood character.
- (i) Consistency with the local, regional, and state plans.
- (j) Economic consequences to road users.

The studies will be used as a method to improve the quality of current EIS and location reports by uncovering any significant shortcomings therein.

A memo shall be sent to the Chief Engineer, to the Division Engineer of the FHWA, and retained in the project files concerning the recommendations of the attendees of the meeting by the Project Manager.



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On the first day of January each year beginning with the year of 1975, the Supervisor of Research, Training and Special Studies of the BTP&D shall submit a report to the Director of the BTP&D incorporating the reports of the Environmental Manager and the Research and Materials Engineer, describing the actions and results of the monitoring procedure for the previous year.

A-7) Development of Timely ESE Information

To insure that timely information on ESE effects is developed in parallel with alternatives, it is Department policy to develop the Planning Study Report concurrently with the development of alternative modes and corridors. The development of ESE factors will occur throughout the development of the system plan through the following mechanisms:

- (a) Utilization of an inter-disciplinary staff to develop alternatives.
- (b) Utilization of the TPAG and RPA in identification of transportation factors.
- (c) A policy to make all raw data available to any outside unit for utilization in reviewing or responding to Department proposals or reports.

A-8) Beneficial and Adverse Effects to Specific Groups

Where possible, the Planning Study Report will specifically address beneficial and adverse effects of alternatives to any known community groups or interests of the study area.

A-9) Availability of Timely ESE Information

It shall be a policy of the MDPW that any basic data developed during the course of a transportation study by MDPW staff or by contract to the MDPW will be made available for examination and copying at a nominal reproduction cost to any state or regional agency, division of local government or organized citizen group upon request to the Chief Engineer. This material to be used only for the evaluation of a proposed transportation project in the community of the requestee.

It is Department policy that no decision be made on any alternate or combination of alternates until sufficient time has been allowed for public review, comment, and response in the final Planning Study Report.

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Through the 3C process, the TPAGs will actively disseminate timely information on ESE effects prior to any decision being made on any alternate.

A-10) Participation of Local Agencies and Citizens

Under memoranda of understanding signed by the RPAs, the MDPW, and EOTC, Committees known as TPAGs have been formed to participate in the 3C process and have the specific responsibility for ensuring that the planning process is open and broadly participatory. To ensure the participation, the TPAG is an open body and any person or group may attend their meetings. Current TPAG memberships are made up of local representatives, interest groups, interested citizens, State Agencies, RPA representatives and DPW representatives. In addition, copies of Functional Classification Studies, Needs Studies and Planning Study Reports will be distributed to local public libraries for public review.

A-11) Estimation of Costs

Alternatives developed at the system planning levels will include the costs of minimizing adverse ESE effects which are appropriate to the Planning Level. Procedures followed for estimation of costs of minimizing or eliminating adverse effects will be developed through new techniques of Benefit/Cost analysis being developed by MIT and by such other techniques as may exist or become available.

Since system planning necessarily deals with concepts rather than specific alignment the identification of the costs of minimizing these effects will follow in later phases of the process in much greater detail.

B PROJECT DEVELOPMENT PHASE

B-1) Providing Information of ESE Effects

The Environmental Manager of the Bureau of Project Development will administer the Environmental Section with its multidisciplinary staff and will be responsible for the identification and consideration of the social, economic, and environmental factors in the project development, basic design, and final design phase. It is Department policy to hold a series of public informational meetings during the Project Development Phase for each project according to the following:

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<u>Level of Action</u>	<u>Recommended Minimum # of PI Meetings</u>
I	4
II	3
III	2
IV	1

These meetings are designed to provide the public with information on the ESE effects of the various alternates under study and to elicit community input.

B-2) Community Liaison and Technical Assistance

a) Department Staff Effort

Throughout the Project Development Phase the Environmental Manager and Location Engineer maintain liaison with the community of the project study. This is accomplished through the public information meetings either by consultants under contract to the Department or by Department staff working through the TPAG for the area.

As part of the Action Plan, the Department will establish a community liaison officer within the Public Information and Participation Section. This officer will be responsible for assisting the public in analyzing project alternatives under study during the Project Development Phase or providing such assistance through the appropriate staff of the BPD.

b) Citizen or Community Group Effort (Level of Action I Projects)

Transportation community liaison operations will be managed and monitored from a central staff organized under EOTC and responsive to the TPAG. Individual study and project liaison activities will be reviewed and coordinated by this staff. Assistance will be provided through the Technical Assistance Officer of the Public Information and Participation Section.

While there will be variations depending on the nature and magnitude of a particular study or project, each work program element will include a component for "community liaison and technical assistance," similar to Study Element II in the Boston Transportation Planning Review. The aim is to facilitate the full involvement of municipalities, private associations, and individuals in the planning effort. It is envisioned that the "community liaison and technical assistance" efforts will be modelled substantially after those of the BTPR.

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To assure the appropriate participation of the staffs of local community agencies and community citizen funded interest groups, and to provide interdisciplinary technical assistance to aid the public in formulating views, criticisms, and recommendations, the Chief Engineer may upon request, set up a Technical Assistance Program to provide funding support for that community to participate in the environmental, economic, and social impact evaluation and development of alternative proposals, both community originated and study originated.

This technical assistance program shall apply only to projects selected for Level of Action I.

For Levels of Action II-IV, procedures described under a) above will be the mechanism for liaison and assistance.

B-3) Controlling the Technical Quality of ESE Studies

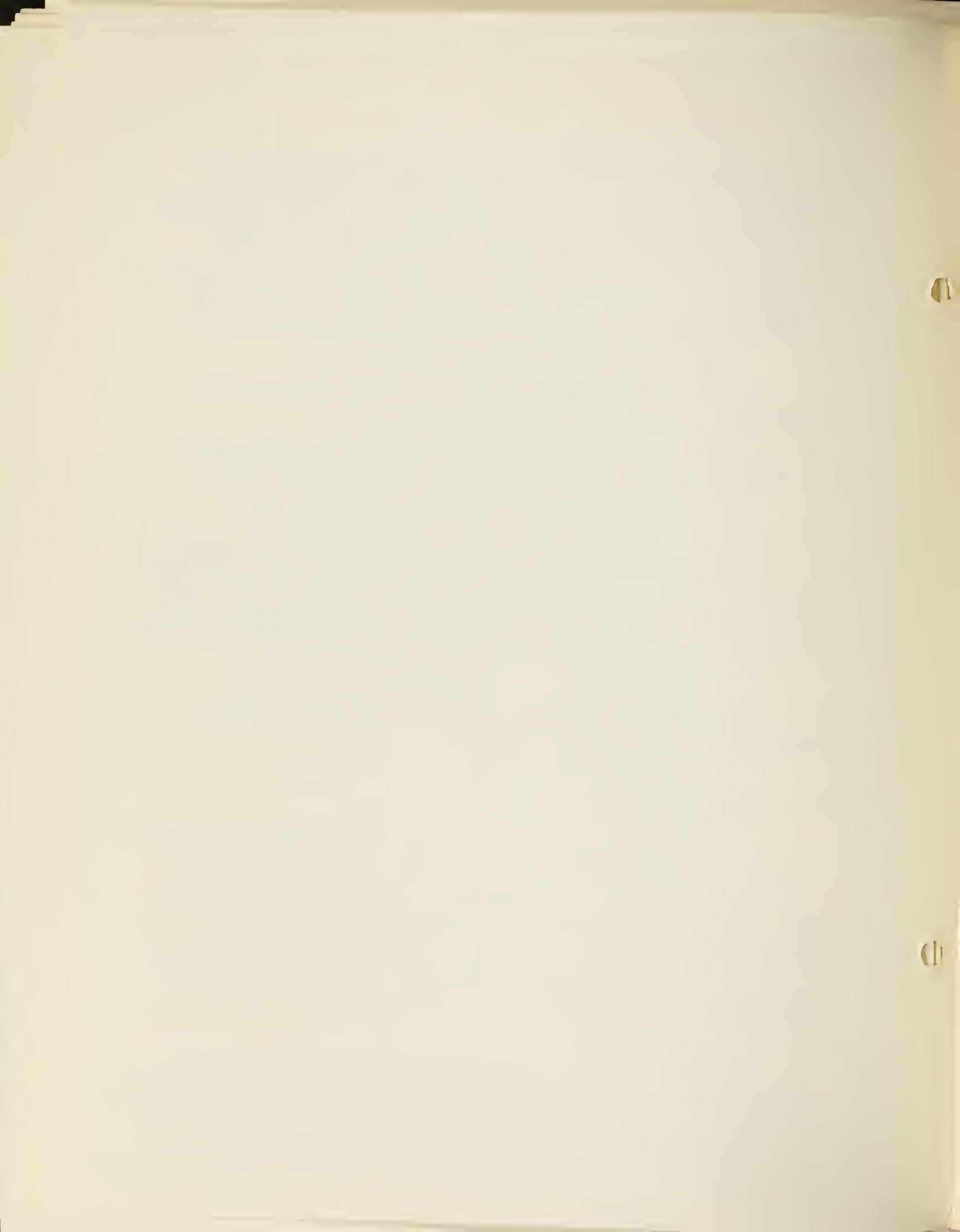
During the Project Development Phase, it is the responsibility of the Environmental Manager to control the technical quality of ESE studies. The interdisciplinary staff of the Environmental Section will monitor studies done under contract and will report to the Environmental Manager on the technical quality of these studies.

EIR studies performed at the District Level will be monitored and reviewed by the Environmental Section to maintain their technical quality.

B-4) Interrelation of Project Development Studies

All EIS studies, corridor design studies and ROW Relocation studies shall be initiated at the same time and shall be coordinated so as to develop concurrently and in a parallel fashion so as to interact as much as possible. That is, the above mentioned activities shall proceed concurrently in Stages I and II respectively of the Project Development Phase whether these studies be done substantially by MDPW staff or consultants or any combination of same. This coordination shall be the responsibility of the Deputy Chief of the Bureau of Project Development.

To assure interaction and coordination between those responsible for identification and consideration of EIS impacts and those primarily responsible for transportation components, the respective sections, namely the Environmental Section and the Location Section are closely located in the organization structure of the MDPW, i.e., the Bureau of Project Development.



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The offices of both sections will be in close physical proximity to encourage the proper timely interaction on a continuing basis. The project managers or designees of both sections and the Relocation Section will participate jointly in all pre-hearing public meetings to assure input and response to the community.

All submissions of community input will be received and initiated by the project manager of both the Environmental Section and the Location Section. The project report of the Project Development Phase will be a composite document to include the Location Engineering Report, the EIS, the 4(f) statement (if required) and the Conceptual Relocation Plan. This will help to avoid duplication of study effort and aid in the appropriate balance of the study components.

B-5) Availability of ESE Information

Throughout the Project Development Phase, information on ESE effects is made available to other agencies and the public. The procedures for the dissemination of this information are contained in the Section of this Action Plan entitled Involvement of Other Agencies and the Public, Section VII.

B-6) Participation of Local Agencies and Citizens

See Section VII.

B-7) Estimating Costs of Eliminating or Minimizing ESE Impacts

Estimations shall be made of the costs of eliminating or minimizing all specifically identified adverse social, economic, and natural environmental adverse effects for alternate courses of action. These costs will include both the financial costs and non-financial costs. This estimate will be available for public dissemination no later than the last public meeting before the corridor public hearing.

C. DESIGN PHASE

C-1) Providing Information on ESE Effects

During the Design Phase, the Project Manager is responsible for providing information on ESE effects. The primary effects considered in the Design Phase consist of the elimination or minimization of unavoidable impacts identified for the selected alignment during the Project Development Phase, and the socio-logical and economic impacts on relocatees.

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In the Design Phase, opportunities have been provided for the dissemination of this information at several points as described in the Flow Process. However, the opportunity for this dissemination decreases in the lower Levels of Action and decreases towards the end of the Design Phase, since by that time most, if not all, of the ESE factors have been resolved.

Other topics in the identification of ESE effects are addressed in the Section on Interdisciplinary Approach, Alternatives and Involvement.



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SECTION VI

Consideration of Alternative Courses of ActionA SYSTEM PLANNING PHASE

A-1) No Build Alternative

At the System Planning Level, it is the responsibility of the Supervisor of the Comprehensive Transportation Planning Section to assure that the "no build" alternate is studied with the same detail as the study of other alternates.

Procedures to be followed at the Planning level for this study shall consist of a sufficiency analysis, a Benefit/Cost analysis, an environmental analysis on a broad scale, a safety analysis, an economic analysis and a comparison of the "no build" effects with the effects of other alternatives.

A-2) Consideration of a Range of Alternatives

In the Planning Phase it is Department procedure to give consideration to all viable modes of transportation available to the proposed project study area.

In concert with the Regional Planning Agencies, and the Transportation Policy Advisory Committees, the Bureau of Transportation Planning and Development will conduct total transportation studies.

The Bureau of Transportation Planning and Development has recently been reorganized to include a Multi-modal Transportation Planning Unit which will, along with the Comprehensive Transportation Planning Section, be responsible to plan alternate modes at the Systems Planning level.

During the Planning Phase, it shall be the policy of the MDPW to develop and evaluate alternate courses of action that do not necessarily provide sufficient trip capacity to totally provide for the trip forecasts. That is, it shall be standard procedure to recognize both that:

1. Alternate modes of transportation shall jointly provide for travel needs.
2. That consideration be given to the strategy to discourage and/or restrict projected trip desires in certain travel corridors.

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A-3) Suggestions from Sources Outside the Department

The TPAGs are responsible for providing the BTP&D with all suggestions received from other sources for analysis in system plans. Responsibility for careful consideration of these suggestions rests with the Supervisor of the Comprehensive Transportation Planning Section.

B PROJECT DEVELOPMENT PHASE

B-1) The No-Highway-Improvement Option

It shall be the responsibility of the Deputy Chief of Project Development that the no-highway-improvement option is evaluated to a scale commensurate with other alternatives.

B-2) Consideration of Alternative Courses of Action

a) Range of Alternatives

- (a) Restriction of present auto usage.
- (b) No Build (null alternative).
- (c) Minor Safety Improvements.
- (d) Joint Development of highways and other modes of transportation.
- (e) Upgrading of existing highway facility on essentially present alignment, including major safety improvements.
- (f) Alternative locations for new facilities of varying scale.
- (g) Consideration of non-highway modes of transportation.

B-3) Non-Transportation Components

In the Project Development Phase, the Environmental Manager, the Location Engineer and the Relocation Specialist are responsible to study non-transportation components of projects. These components have been included in some previous projects, and will be utilized where appropriate, in future projects. Non-transportation components to be studied include:

- (1) Joint or multiple use of right of way (I-195 Fall River as example)
- (2) Replacement housing through moving of existing structures, construction of new housing or finding available replacements.

C. DESIGN PHASEC-1) Consideration of Alternatives



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The Planning and Project Development Phases narrow down the options available to the designer. When a project reaches the Design Phase nearly all details have been addressed and/or resolved, therefore it is the responsibility of the Project Manager to review previous studies and to apply the recommended methods to minimize ESE effects.

For Level of Action III and IV projects, the scale of the facility is open to discussion. Alternative scales will be tested to determine the most viable alternate.

For Level of Action I and II projects, limited alternatives exist such as landscape options, aesthetics, architecture of structures and the like. The Project Manager is responsible for the study of these alternatives.

SECTION VII

Involvement of Other Agencies and the Public

A. AVAILABILITY OF INFORMATION

A-1) Project Documents and District Office

To ensure that information is made readily accessible to local agencies, local government, and the public throughout the duration of the planning, project development and design phases, copies of Planning Study Reports, preliminary design plans, and Draft EIS, relative to a proposed project shall be maintained in the office of the District Project Engineer whenever possible and it shall be his or her responsibility to make this material available at request for examination and copying.

The Director of the Bureau of Transportation Planning and Development, Deputy Chief of the Bureau of Project Development and Deputy Chief of Highway Design or their designees, shall have the responsibility, respectively, to see that copies of such material originating from the Department Headquarters shall be provided to the District Offices.

A-2) Procedure for Distribution of DPW Reports and Notices

(1) A copy of all reports and study documents that are specific to the particular community shall be sent to the main public library and city or town clerk's office. This shall include, but not be restricted to, such documents as planning studies, draft and final corridor location reports, draft and final EIS



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Conceptual Stage Relocation Plan, basic design reports, and transcripts of public hearings.

These documents shall also be sent to the principal newspapers of the specific community. These documents shall be distributed by the Public Information Officer in a timely manner, no later than 30 days before the public hearing or principal public hearing or public meeting of the appropriate study development phase.

(2) Descriptive materials including liberal use of graphics shall be distributed at public hearings. This material shall include but not be restricted to: a status report of the project, description of Relocation and ROW procedures of the Dept., identification of project managers and shall include an addressed envelope to the MDPW with an attached informational response sheet for Level of Action I projects.

(3) The preparation of these documents shall be the responsibility of the Public Information and Participation Section, and their distribution shall be the responsibility of the Dept.'s Public Information Officer.

A-3) Support Services of DPW

Since it is a DPW policy to operate under an "open" process and that the public should be aware of meetings that occur in the development of highway projects, a notification shall be given by the Public Information Officer to the appropriate daily or weekly community papers of the following actions:

- (a) Public Informational Meetings during the Project Development and Engineering Design Phases.
- (b) Public Hearings.
- (c) Availability of the Draft EIS.
- (d) Support services to the public.

(1) Operation of a toll-free "800" statewide information telephone service. This telephone number would be widely distributed to the public by news release and would directly serve to dispel misinformation and rumors. If information could not be answered directly by the Public Information Officer, the caller would be transferred to the appropriate project manager or staff. This will assure a central point of information for the public that will be easily accessible to those citizens who do not wish to write to the Department or are not articulate in this medium.

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(2) Maintain and operate a speakers list of Department personnel who would address public interest groups on such issues as policy, planning, environmental impacts, design standards, safety, etc. This service will not replace or conflict with the procedure of public meetings and hearings on specific projects as the speakers will not address in any detail on-going projects. The Director of the Public Information and Participation Section is responsible for the maintenance and operation of this procedure.

(3) Maintenance of notification lists for both project and statewide purposes.

A-4) Notification of Potential Relocatees

In order to ensure the opportunity for timely participation by those who are most directly effected by proposed projects and those who are potential relocatees, it shall be the Dept.'s policy to notify by mail with brochure the occupants within approx. 500 ft. either side of the center line of any proposed alignment presented to the public by the Mass. DPW during its Pre-hearing public involvement program. This notification shall be the responsibility of the Public Information Officer and shall apply only to Level of Action I and II Projects. This notification shall occur no later than between the second and third public information meeting in the community. This procedure is in addition to all other more broadly directed procedures of public notification. This brochure shall consist of a brief summary of the alternatives under study, a complete description of all relocation assistance programs and a listing of the toll free 800 numbers to call for additional information.

A-5) Project Schedule

A proposed tentative time schedule of project development, including the expected sequence of major decisions and required local, State, and Federal approvals shall be made available subject to funding no later than the second public meeting during Stage II of the Project Development Phase. This schedule will address the major alternate courses of action identified at that time.

The preparation of this schedule shall be the responsibility of the assigned Project Manager. An express effort shall be made to ensure that it is as clear and comprehensible as practical.

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Should a project enter the Design Phase, a similar schedule appropriate to this stage of development shall be prepared and maintained for public examination.

A-6) Participation

a) Interagency Participation

The Mass. DPW will maintain a memo of understanding with each of the following state agencies detailing this required participation in the development of highway projects:

- (a) DNR
- (b) DCA
- (c) DCD

This memo will require that state agency:

- (1) Appoint a liaison person by title and name to coordinate and/or carry out all input to the DPW.
- (2) Review and comment in writing on draft project documents submitted to them by the DPW within 30 days of submission to them. It being understood that their comments are public information and will be made available to the public at meetings and hearing.
- (3) That it be understood that the comments should be appropriate to level of design detail submitted by the DPW and if certain judgements are conditional upon later design detail it so be stated.
- (4) Any non-response will be understood as either concurrence or non-applicability of the project to that agency's interests.

Note: The scope, responsibilities, and extent of interagency participation on the state level is further described in the Mass. Environmental Policy Act, Chapter 30 of the General Laws, Section 62:

"All reviewing agencies, and any state agency, department, board, commission, division or authority which has jurisdiction by law or special expertise with respect to any environmental impact involved shall affix their written comments to the final impact report."

"For the purposes of carrying out the provisions of this section funds made available for the purpose of design of or planning or performing said work, project, or activity shall be available and may be expended for research, preparation,

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and publication of the reports required by this section and expenses incidental thereto, and said funds may be transferred or otherwise made available to other state departments and resource agencies designated by the Secretary of Environmental Affairs for the purpose of meeting the expenses incurred in evaluating the draft or final impact report."

b) Local Government Participation

(1) Study Initiation Concurrence

To assure a positive influence by local government and to avoid the expense of fruitless study, a written statement is desirable as to the need for the DPW to make EIS and location studies, and should be submitted before the Chief Engineer directs the initiation of Project Development Phase Studies. This written statement will be given by the highest appropriate officer or group in the community with jurisdiction to respond, will be an endorsement of the desirability of state project development studies only and will not be considered an endorsement of any alternatives suggested by any party. (This is in accord with G.L. c. 30A's. 11B (St. 1972, C602)).

(2) Choice of Mapping Study Corridors

The Planning Boards, Conservation Commissions, and any other body recommended by the city or town will be invited in writing by the Location and Environmental Engineer to participate, along with the TPAG and the Mass. DPW in the selection of the appropriate aerial photogrammetric study corridors. These are determined at the end of Stage I and are presently strip maps, at a scale of 200 ft./in. and a width of one (1) mile.

c) Enrollment upon Notification List

The MDPW shall establish and maintain a notification list for each district of the Department for individual written notification of meetings, hearings, availability of MDPW documents, etc. Notice of availability for enrollment shall be made at least once per year* by notice in major newspapers. Notice of such a list shall be made at all public meetings and hearings. This list shall be subject to being updated on an annual basis by the Secretary of the Department. The following shall be automatically enrolled on the list:

(1) All State Legislators with jurisdiction

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(2) The Legislative Committee's Chairman for the House and Senate Committees on Transportation.

(3) All State Agencies having liaison with DPW.

d) Notification Procedure

It being hereby acknowledged that timely notification of the public of project progress and decisions is essential to the maintenance of public confidence in the MDPW it is Department policy to:

(1) Inform the public of the start of Project Development Phase studies by placement of a block type advertisement in the project community's newspapers providing a summary of the project scope; assigned Level of Action; a general map of study area; the names, titles, and office addresses of responsible project managers; expected date of first public informational meeting; and availability of notification list. In addition a separate news release will be provided for local newspapers and radio stations. This notice shall include an outline of the proposed program of public involvement for the project. (The notice shall also identify the prime reasons for the project, such as:

- (a) Safety need
- (b) Inadequacy of existing facility
- (c) Structural failure
- (d) Completion of system linkage
- (e) Capacity deficiency

This procedure shall apply to all Level of Action I and II projects and shall be the responsibility of the Project Development Engineer of the Bureau of Project Development. This notification procedure will be followed after the initial assignment of the Level of Action to a project and before any substantial Project Development effort has been made.

(2) The MDPW shall notify, by means of newspaper advertisement or release, all parties previously notified of the initiation and status of a project, when a decision has been made to indefinitely defer or abandon a project for Level of Action I and II Projects.

(3) To ensure the opportunity for participation by local and regional bodies, the following official bodies shall be sent individual written notification of and invitation to all meetings in the community called by the MDPW for consideration of

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transportation proposals.

- (1) Mayors, Boards of Selectmen, or any other high officials
- (2) Conservation Commissions
- (3) Planning Boards
- (4) Department of Public Works
- (5) Regional Planning Agency with jurisdiction
- (6) County Commissioners

(This requirement is in compliance with Mass. G.L. c. 30As. 11B (st. 1972, C. 602)).

e) Verification procedure

Since it is acknowledged that the public has a right to verification that their input is considered and the disposition thereof, it is Department policy that:

- (1) All written submissions of comments on Department studies will be acknowledged. All major suggestions, especially those submitted in writing from local governments, organized public interest groups, and state agencies will be identified as to source and responded to in the appropriate EIS or engineering report. Summary only of input and response may be made in cases of duplication.
- (2) All planning, location, EIS, and design reports shall contain a brief cumulative chronological listing of all meetings by MDPW and FHWA, formal decisions, and major submissions of input, with the intent of providing within the reports, a history of involvement.

f) Utilization of Area-wide Agencies

The Department currently utilizes, and will continue to utilize the TPAGs in coordinating viewpoints from System Planning through Design.

An attached Memorandum of Understanding with an RPA establishing a TPAG describes the role of the TPAG in involvement of other agencies and the public.

g) Involvement of RPAs

The entire State of Massachusetts is included in the twelve officially established Regional Planning Agencies. The Department of Public Works directly funds the Regional Planning Agencies to participate in the 3C process. A sample contract with an R.P.A. is attached in the Appendix.

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SECTION VIII

Systematic Interdisciplinary Approach

During the period from November 1, 1973 to November 1, 1975 this Department will take the following steps to meet the requirements of PPM 90-4 relative to interdisciplinary staffing.

A. SYSTEM PLANNING PHASE

The Comprehensive Transportation Planning Section will be expanded to include on its staff the following disciplines:

- (a) Economist
- (b) Environmentalist (General Biologist)
- (c) Sociologist

These disciplines will be an addition to those which make up this Bureau presently, which includes Urban Planners, Regional Planners, Transportation Planning Engineers and various other disciplines such as Political Science, Economics, Education and Architecture.

B. PROJECT DEVELOPMENT PHASE

The Environmental Section of the BPD will be expanded to include the following disciplines:

Economist	Water Quality Analyst
Sociologist	Noise Analyst
Air Quality Analyst	Environmental Ecologist
	Aquatic Biologist
	Game Biologist
	Environmental Attorney (Lawyer)

These disciplines will be acquired in addition to the present staff, which includes a Geologist, Biologist, Environmental Engineers and Civil Engineers.

C. DESIGN PHASE

The Design Section will be expanded to include on its staff the following disciplines:

- Architect
- Landscape Architect
- Acoustic Engineer
- Hydraulics Engineer

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These disciplines are in addition to the present staff of the Design Section.

D. MEANS OF IMPLEMENTATION

The Department will continue to hire consulting firms to do the necessary environmental investigations on all major projects for the period of November, 1973 to November 1975.

All monitoring of environmental investigation contracts will be conducted through the Department's Environmental Section with the existing staff.

When necessary, individual contracts will be arranged to provide the Department with specific expertise to monitor certain aspects of an environmental contract. These individual contracts will, in a sense, be part of the Department's work force and will be supervised by the Environmental Section of the Department.

A canvass of existing Department personnel will be made to determine if people do have a particular training (education or experience) in the specific areas of need.

If such expertise is found among Department personnel and personnel are willing to aspire to these new disciplines then such Department personnel will be assigned to work in such capacity.

An educational program will be established by which permanent department personnel will be trained in the various needed disciplines. Qualifying examinations will be held for these positions within the training program.

This training will be short and longer range in nature. Short range will consist of refresher courses for those employees who already hold degrees in fields other than engineering and wish to transfer to a new discipline.

Another short range approach will be to instruct engineers and others in such areas as noise, air and water quality analysis.

Long range plans will consist of providing departmental personnel with the opportunity of pursuing degree granting courses in the colleges and universities of the Commonwealth. Another long range plan will be to alter the existing State

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engineering degree program with Lowell Technological Institute to provide electives in noise, air, and water quality analysis.

Both short and long range educational programs will be established with colleges, universities, and private industry which offer the best training for our employees.

Where possible, because existing department personnel are permanent in the next lower engineering or planning grade and qualify by education and experience in a particular needed discipline, a promotional Civil Service Examination will be given and positions filled from the results of such examinations.

Where necessary, because no department personnel qualify in the next lower permanent grade, the department will call for an open competitive civil service examination from which such positions can be filled.

E. CAREER PATTERNS

(1) Provisions will be sought for making the inter-disciplinary staff eligible for Statewide promotional examination, including those for other State Agencies.

Professional Development

(2) Provisions will be made to reimburse MDPW professional level personnel for successfully completed university level courses in subject fields other than civil engineering. Department employees should be encouraged thereby, in developing an awareness in such subjects as urban planning, ecology, sociology, etc.

(3) Provisions will be made to reimburse MDPW professional level personnel for membership in up to two professional societies, and subscription to up to three professional level journals in such fields as civil engineering, planning, environmental affairs, sociology, etc.

F. VERIFICATION OF INTERDISCIPLINARY APPROACH

In order to insure that an interdisciplinary approach has been used in the development of the MDPW studies, all reports of the MDPW shall list in the report the names, titles, and areas of contribution of the major contributors to the study. This will serve to verify that the study is indeed a team effort and that any one area has received consideration by a qualified contributor.

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SECTION IX

Decision Making ProcessA. SYSTEM PLANNING PHASE

The process by which other State and local agencies, government officials and private groups and citizens can contribute to decisions reached in the System Planning Phase is defined as the comprehensive, co-operative continuing transportation planning process.

Each region of the State is represented by a unit known as the TPAG (or similar title). Attendance at the TPAG meetings is open to any person or groups having any interest in transportation. The DPW is also a member of each TPAG. These units foster and promote a co-operative exchange of ideas and information on transportation planning for each region. In addition, the TPAGs assist in preparing and review planning documents consisting of:

Functional Classification Studies
Regional Transportation Needs Studies
Planning Study Reports

Each TPAG is responsible for providing the Bureau of Transportation Planning and Development with their regional priorities for transportation improvements.

In addition to the formal mechanism described above, provision for public review of all planning proposals has been made elsewhere in this Action Plan. (See Involvement, Section VII)

B. PROJECT DEVELOPMENT PHASE

The opportunity for contributing to decisions reached in the Project Development Phase is amply provided for by means of the following:

- TPAG representation on Level of Action Committee
- Availability of all study data and reports and notices at District Offices
- Notices of all meetings held
- Concurrence of study initiation by local elected officials
- Representation of local elected officials in selections of aerial corridors
- Availability of notification listing
- Verification of all written submissions

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- Availability of technical assistance for counter-proposals on Level of Action I projects, if approved by Chief Engineer
- A-95 reviews of Department proposals
- Concurrence of Sec. of Environmental Affairs in selection of EIS Consultant
- Review of EIS by many interested groups
- Public information meetings and public hearings

C. DESIGN PHASE

Contributions to decisions reached in the Design Phase are necessarily limited. These contributions may best be made early in the Basic Design Phase through public meetings or local elected officials. Provision is made in the project process for participation in this manner.

Local Conservation Commissions have an opportunity to review Environmental Impact Statements and any Department proposal affecting wetlands during this phase. The opportunity for review of proposals affecting wetlands is afforded in accordance with the requirements of Chapter 131, Section 40 of the Acts of 1972 (Wetlands Act). The Conservation Commissions are responsible for this review and must issue a final Order of Conditions within a designated time period before any work may commence.

D. COORDINATION WITH ADJOINING STATES

(1) It shall be a policy of the MDPW to participate in a cooperative exchange of project data concerning the potential social, economic, and environmental effects of those projects of either state that appear to have primary or major secondary impacts upon the other. The adjoining state will be requested by the Department to submit basic ESE data available from both public and private sources to the appropriate division.

(2) In those situations where a Level I or Level II project is located within ten (10) miles of a state border and is planned to extend into the adjoining state, the MDPW shall make every reasonable effort to develop a joint or combined EIS study and report with the adjoining state on the project whether the project originates in Mass. or the adjoining state. In those situations where a proposed project is located in close proximity to an adjoining state but is not planned by either state to extend into the other, procedures to involve the other state both in preparing and reviewing the EIS are the responsibility of the Environmental Manager.

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E. PUBLIC LANDS

In order to ensure that other agencies and the public have an opportunity to consider all the social, economic and environmental factors of all alternatives in a neutral climate early enough to influence final decision, it shall be the policy of the Mass. DPW to seek the authorization of the General Court to acquire parklands and public forests only after the following actions have occurred:

- (1) The Feasibility Environmental Study (Stage I) is completed.
- (2) A public meeting has been held on the project.
- (3) The General Court has been provided with copies of the Planning Study Report, State agency written comments, and copies of public written comment received on the proposed project.

SECTION X

INTER-RELATION OF SYSTEM AND PROJECT DECISION

In order to ensure that potential ESE effects are identified in so far as practicable in the System Planning Phase, the BTP&D will produce, for a given regional or community system plan, a Draft Planning Study Report. The Planning Study Report will contain:

- (a) the alternatives studied
- (b) the participants in the study
- (c) air, noise and water pollution data
- (d) impacts on such factors as natural resources, community cohesion, availability of public facilities, services, and safety
- (e) impacts on property values and tax base
- (f) impacts on any specific groups or interests
- (g) costs, both monetary and non-monetary, of minimizing or eliminating adverse effects.

The Planning Study Report will be distributed in draft form to:

- (a) State agencies having an interest in transportation
- (b) Regional Planning Agencies
- (c) Transportation Policy Advisory Groups
- (d) Local elected officials
- (e) Special interest groups
- (f) Local public libraries
- (g) District Offices

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Reviews and comments will be included in the Planning Study Report which will serve as a basis for:

- (a) Prioritizing and programming
- (b) Setting initial Level of Action in Project Development Phase
- (c) Providing the Environmental Section with a solid footing on which to begin EIS studies
- (d) Identifying key areas to be either studied in detail or avoided

Coordination with Design Phase: To ensure that input in the planning and project development stages are effectively coordinated with the design phase, the major participants in the planning and development phases of a highway project will participate in the determination of the scope of design study. If the basic and/or final design work is to be done by consultants under contract, the following will be invited to participate in the negotiation for the scope of study only, not to include the matter of contract cost.

- (a) A delegate from the appropriate TPAG
- (b) The Dept. project manager from the planning bureau of the DPW who managed any studies that included the project
- (c) The District Project Engineer
- (d) The Dept. project managers of the preceding location and EIS studies.
- (e) And the appropriate staff of the Design Section.

A most important action and responsibility in the project development phase is the identification of environmental commitments made by the Department and their internal dissemination to the appropriate personnel in the Design Phase. This will be the responsibility of the Department's Environmental Manager.

SECTION XI

LEVELS OF PROCEDURAL ACTION

It is recognized that not all proposed highway projects have the same level of social, economic and environmental impact upon the project communities. In the interest of minimizing the social and financial costs of developing safe and efficient transportation facilities, different procedures will be adopted, for various categories of projects.



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Therefore, one of four levels of action will be established for each proposed project following the system planning stage. These four levels will be identified as Levels, I, II, III, and IV, with "I" being the most comprehensive and "IV" being the least involved.

A LEVEL OF ACTION COMMITTEE

Purpose: To assign the appropriate level of procedural action to all projects at the point when a project becomes defined at the initial stage of the Project Development Phase. Each will be assigned to one of four levels.

To provide input to the Committee the TPAG will recommend a level of action in their review of Planning and Needs studies.

The Committee will meet on a periodic basis, either monthly or as determined by the Committee.

The Membership of the Committee shall include the following or their designees:

- (a) A liaison person from the State Department of Environmental Affairs.
- (b) Chief Engineer
- (c) Deputy Chief of Highway Engineering and Bureau of Project Development
- (d) Directors of Bureau of Planning and Bureau of ROW
- (e) Member of Division Office of the F.H.W.A.
- (f) Environmental Manager
- (g) Delegate from TPAG
- (h) DHE or designee from appropriate District

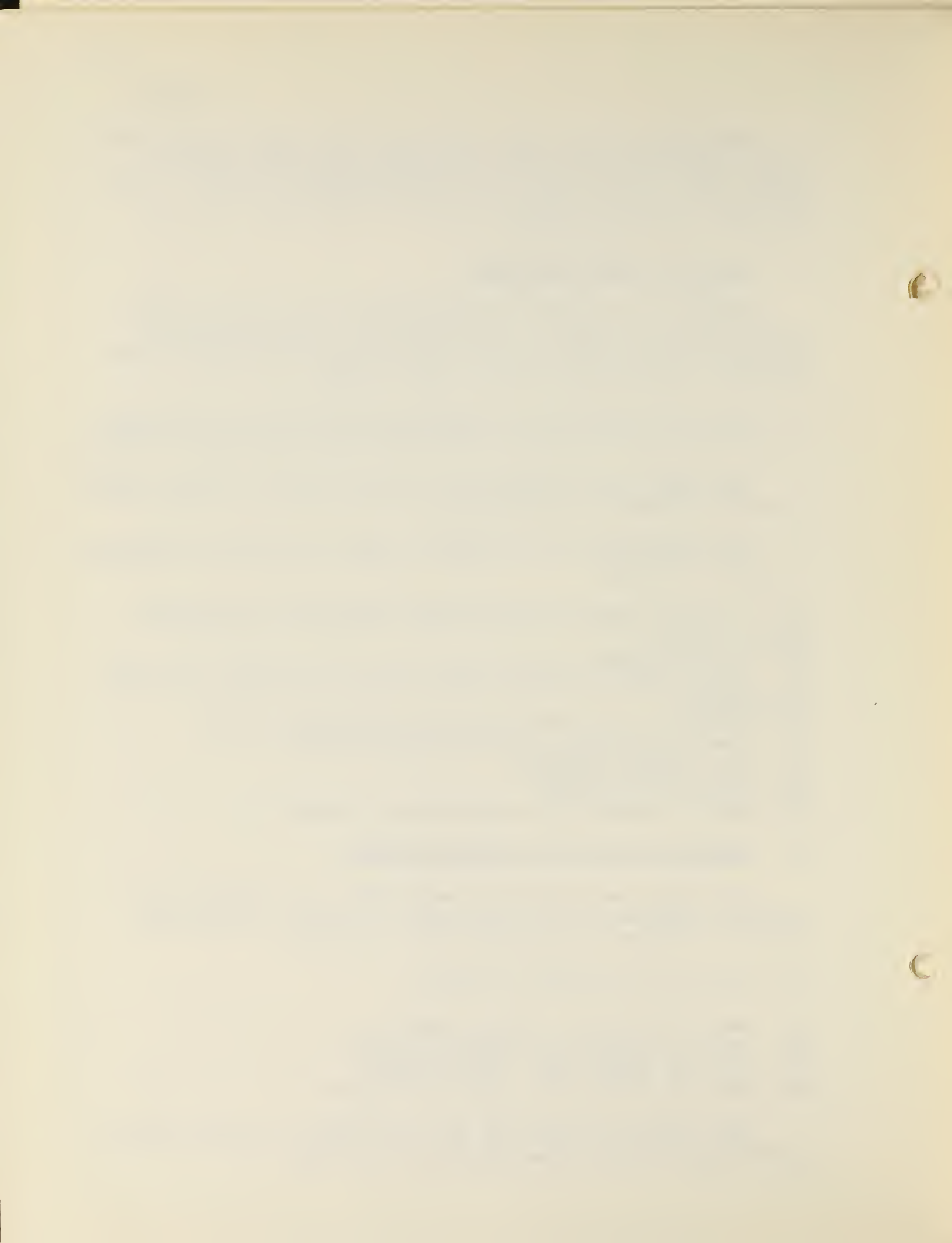
B. LEVELS OF ACTION BY PROJECT CATEGORY

To ensure the expeditious development of transportation projects commensurate with the public interest all projects shall be assigned a procedural level of action.

B-1) Categories of Levels of Action

- (a) Level of Action I - Major Impact
- (b) Level of Action II - Moderate Impact
- (c) Level of Action III - Minor Impact
- (d) Level of Action IV - Negligible Impact

The initial criteria for setting Levels of Action will be established by the recommendation of the TPAG.



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At formal and special review points, material developed in the appropriate phase will be reviewed by the Level of Action Committee and utilized in their decision. The Level of Action Committee has four options at each review point which consist of:

- (a) Confirm existing Level of Action
- (b) Change Level of Action
- (c) Recommend Recycling Project
- (d) Recommend abandonment of project

B-2) Reconsideration

(a) All projects shall be formally reconsidered for assignment to a higher or lower level of procedural action:

- (1) Between the first and second major informational meetings in the project communities.
- (2) After receipt of all requested comments from the required circulation of the draft EIS and after holding of the corridor public hearing.

(b) All projects may be reconsidered for level assignment by request to the committee of the project manager, any state agency, TPAG with jurisdiction, highest official body of a project community, or organized public interest group. The determinations of the Committee shall be subject to public promulgation in the subject communities. The Public Information Officer is responsible for publishing this determination in the appropriate community newspapers.

C. CRITERIA FOR LEVELS OF ACTION

For the purpose of providing general guidelines to the Level of Action Committee for setting Levels of Action, the following criteria are suggested:

C-1) Level of Action I

Major Impact - a completely new facility or alignment or a project which would cause permanent significant alteration of the human environment or change in the natural environment over an area larger than the area of the project.

C-2) Level of Action II

Moderate Impact - A project on a new or existing alignment requiring major expansion or re-alignment of facility, necessitating significant acquisition of additional right of way and

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causing permanent localized alteration to the human environment and local changes in the natural environment.

C-3) Level of Action III

Minor Impact - A new or existing alignment improvement causing permanent slight alteration to the human environment and minor changes to the natural environment of a localized area and requiring minor right of way acquisition.

C-4) Level of Action IV

Negligible Impact - project requiring little or no additional right of way and causing no permanent changes in the human or natural environment.

SECTION XII

RESPONSIBILITY FOR IMPLEMENTATION

The Chief Engineer of the DPW has the responsibility for implementation of the Action Plan.

Beginning November 1, 1973, or upon the approval of the Action Plan, the Procedures and Records Engineer will prepare such check lists as are necessary for monitoring the Action Plan implementation process.

Teams from the Procedures and Records Section will monitor the BTP&D, BPD and HED to implement and maintain Action Plan procedures.

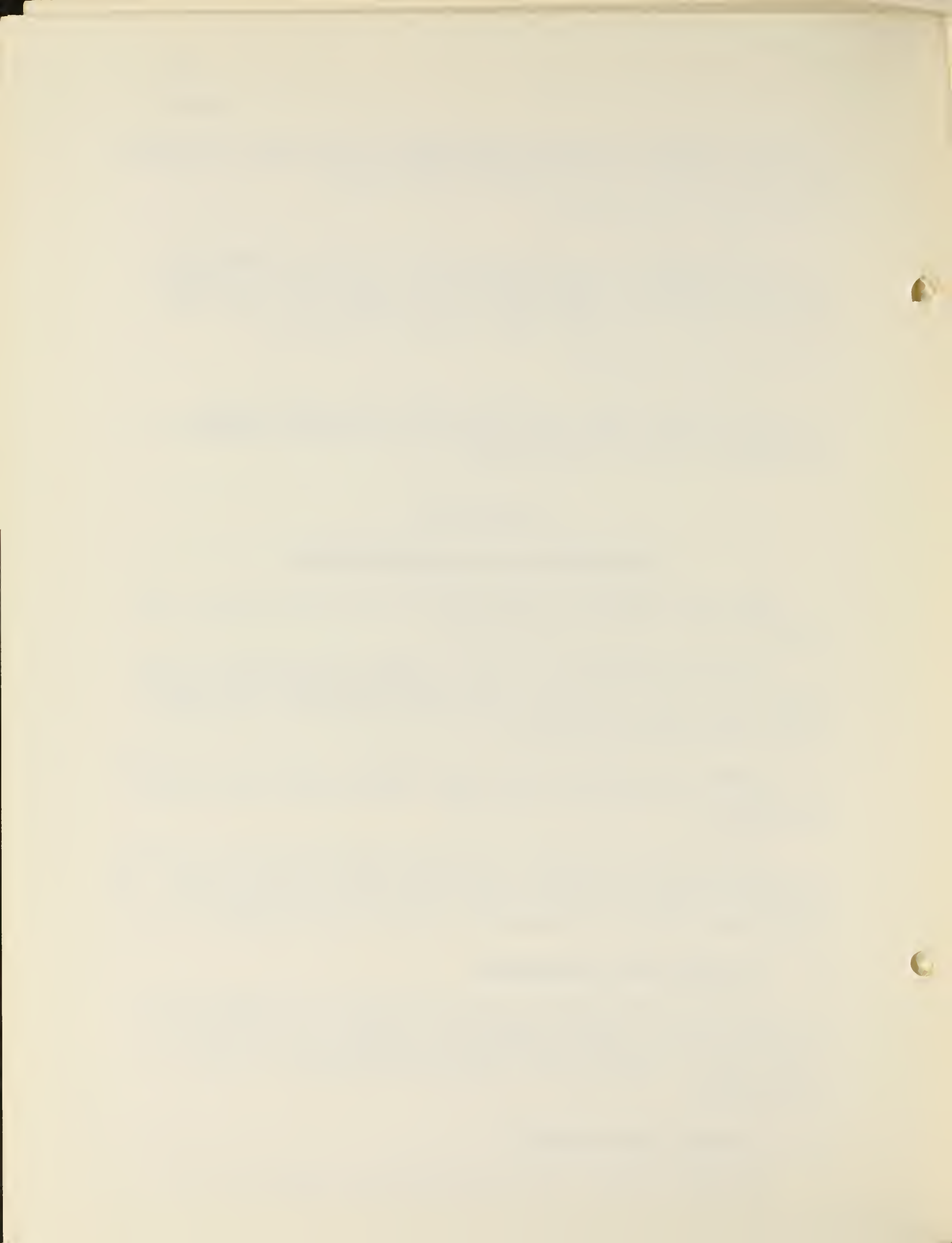
Many of the procedures contained herein have been and are currently being utilized or implemented by the Department. New procedures contained herein which have not been heretofore implemented will be implemented no later than December 1, 1975.

A. IMPLEMENTATION PROCEDURES

Beginning November 1, 1973 it will be the responsibility of each District Highway Engineer to compile the Statewide Inventories of Public Lands for his District and initiate the environmental inventory as described in Section V of the Action Plan.

B. PLANNING STUDY REPORTS

Beginning July 1, 1974 Planning Study Reports will be



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prepared by the B.T.P. & D. for system planning networks.

C. MONITORING COMPLETED PROJECTS

Completed projects are currently being monitored for ESE effects. Beginning January 1, 1975 the Supervisor of Research, Training, and Special Studies of the BTP&D shall submit an annual report to the Director of the BTP&D describing the actions and results of the monitoring procedure described in Section V.

D. DISTRIBUTION OF REPORTS

DPW reports are presently distributed to appropriate reviewing agencies and groups. The policy of making regular distributions of Department study reports to the appropriate community public library shall be implemented on December 1, 1973.

E. TECHNICAL ASSISTANCE PROGRAM

The Technical Assistance Program for Level of Action I projects is a responsibility of the Public Information and Participation Section, which is being established in this Action Plan. No later than November 1, 1975, the availability of technical assistance for Level I projects will commence, if approved by the Chief Engineer in accordance with Section VII of the Action Plan.

F. THE BUREAU OF PROJECT DEVELOPMENT

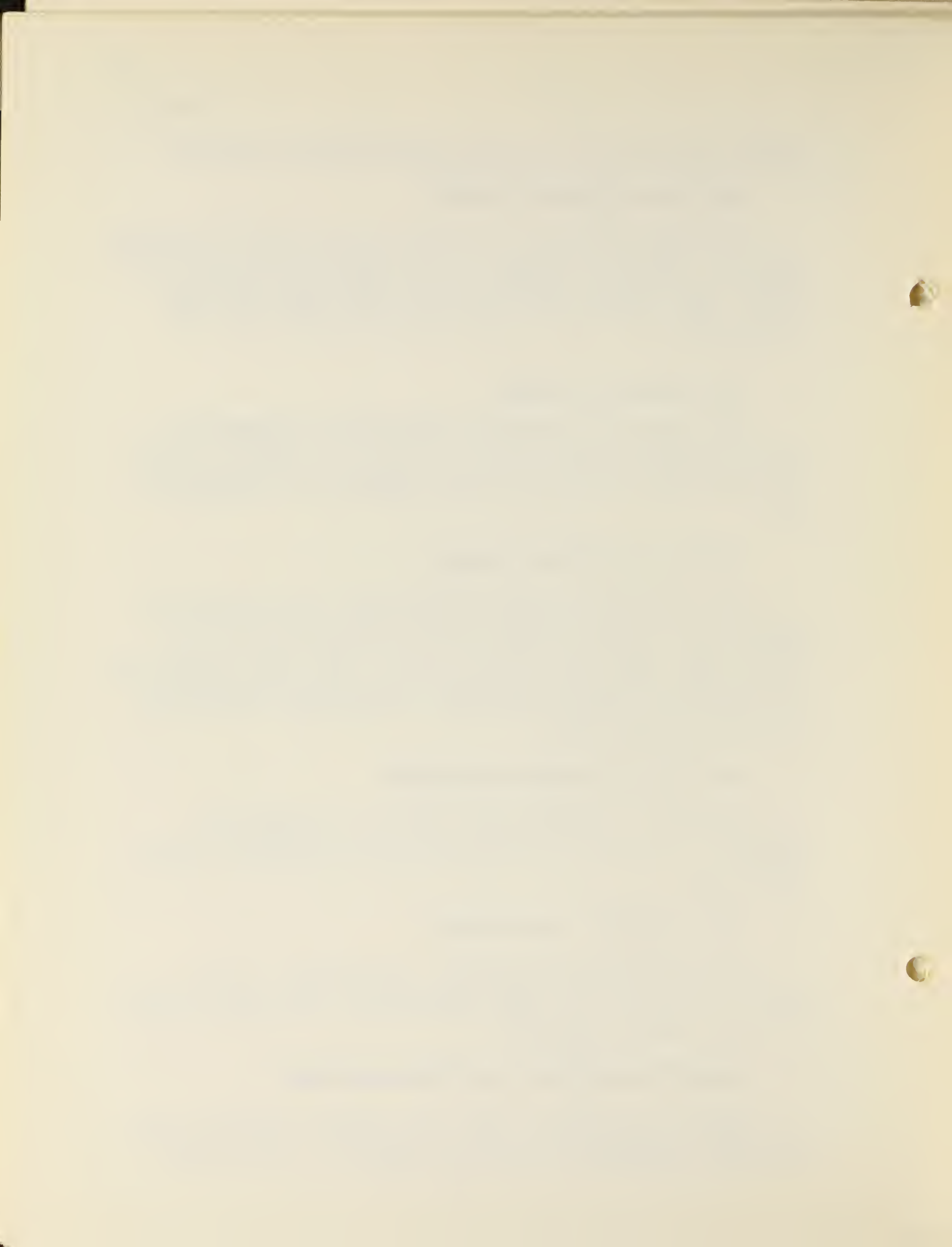
The Bureau of Project Development will physically consolidate its various sections within the Department by November 1, 1973 to assure compliance with Section V of the Action Plan.

G. PUBLIC MEETINGS AND WORKSHOPS

Public meetings and workshops are presently being scheduled for projects requiring a detailed EIS. This policy does not require a scheduled implementation procedure, since it is now standard procedure.

H. DISTRICT AVAILABILITY OF PROJECT DOCUMENTS

Beginning November 1, 1974, all project documents, as described in Section VII of the Action Plan will be available for public examination in District Offices. The District



8/3/73

Projects Engineer will be responsible for administering this policy.

I. MEMORANDA OF UNDERSTANDING

Memoranda of Understanding and liaison not currently established with sister State Agencies will be developed during the period from November 1, 1973 and November 1, 1974 to be in full operation by the latter date.

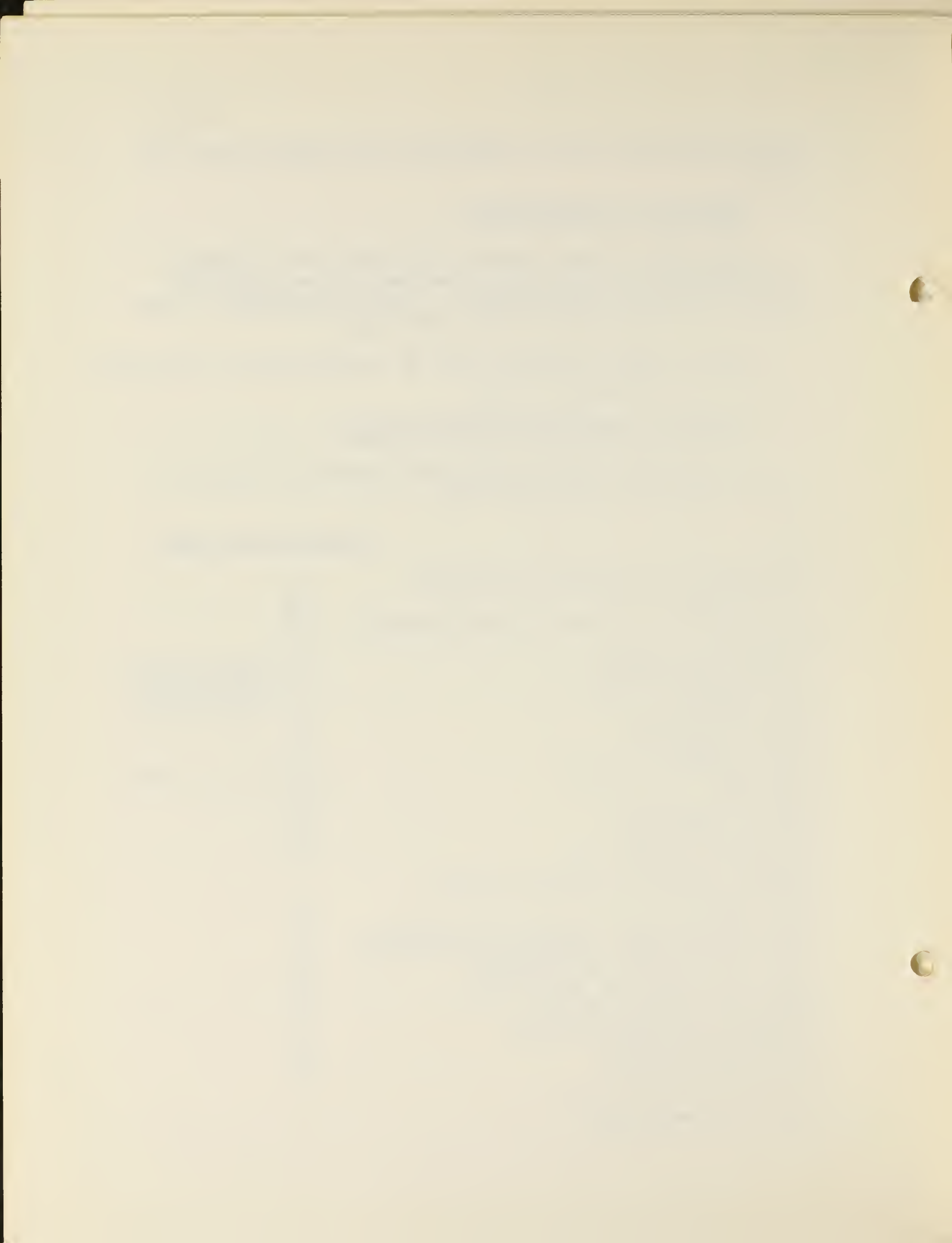
The toll free telephone shall be established and publicized no later than November 1, 1974.

J. SYSTEMATIC INTERDISCIPLINARY APPROACH

The following new positions are required to carry out the provisions of the Action Plan.

<u>Title</u>	<u>Suggested Pay Grade</u>
Environmentalist (General Biologist)	18
2 Economists	18
2 Sociologists (Community Anthropologist)	18
Ecologist	18
Air Quality Analyst	14 (Retrainable)
Water Quality Analyst	14 (Retrainable)
Noise Analyst	14 (Retrainable)
Aquatic Biologist	16
Game Biologist	16
Environmental Attorney	(Possibly Available)
Architect	20
Landscape Architect	20
Acoustic Engineer	18
3 Hydraulics Engineers	18
Director of Public Information and Participation	24
Public Meeting and Hearing Coordinator	22
Inter-departmental Information Coordinator	20
Public Information Co-ordinator	20
Public Participation Coordinator	20
Community Liaison Officer	18
Technical Assistance Officer	18
4 Technical Writers	14
Technical Librarian	15

Total = 30 positions



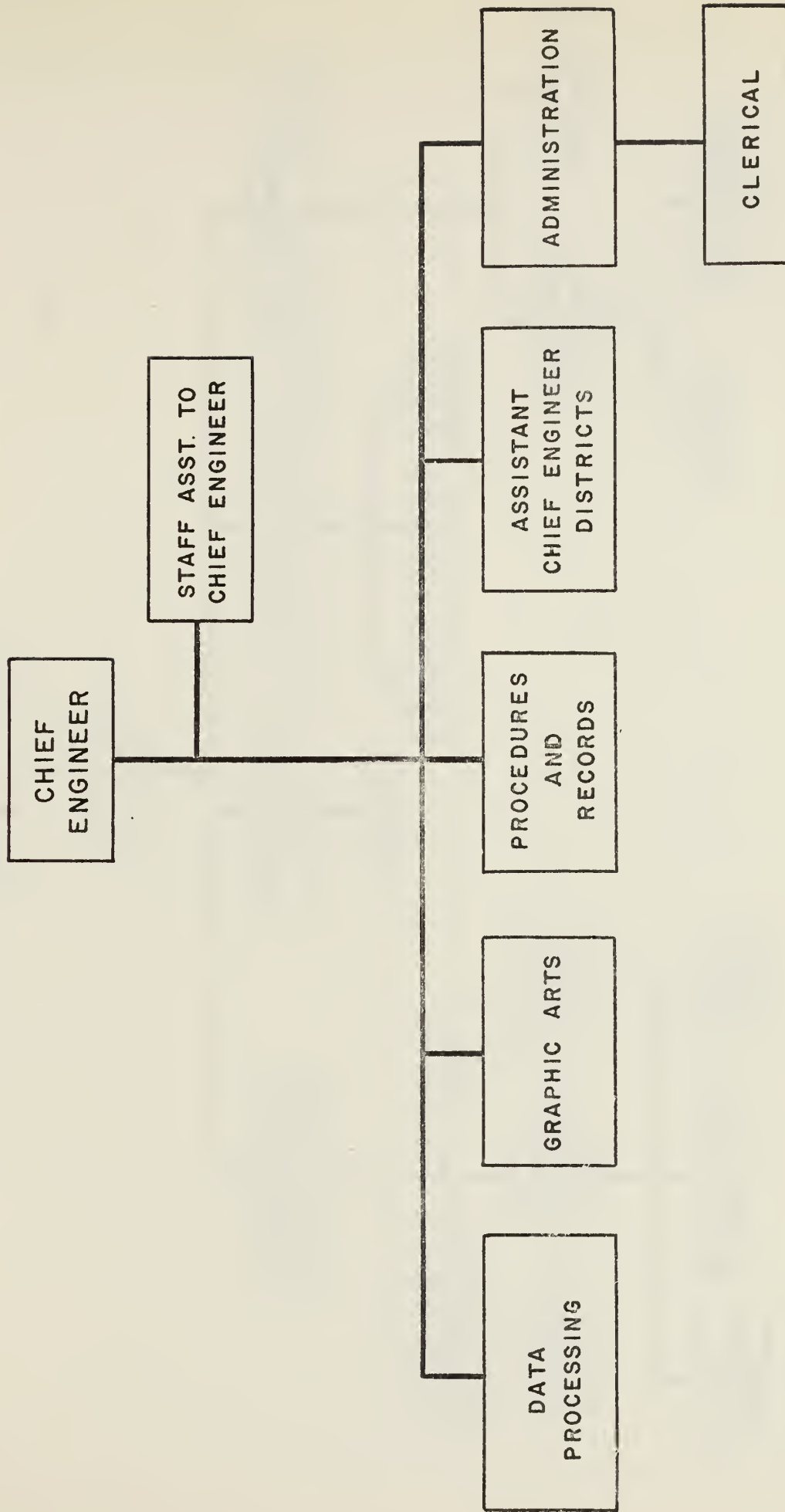
8/3/73

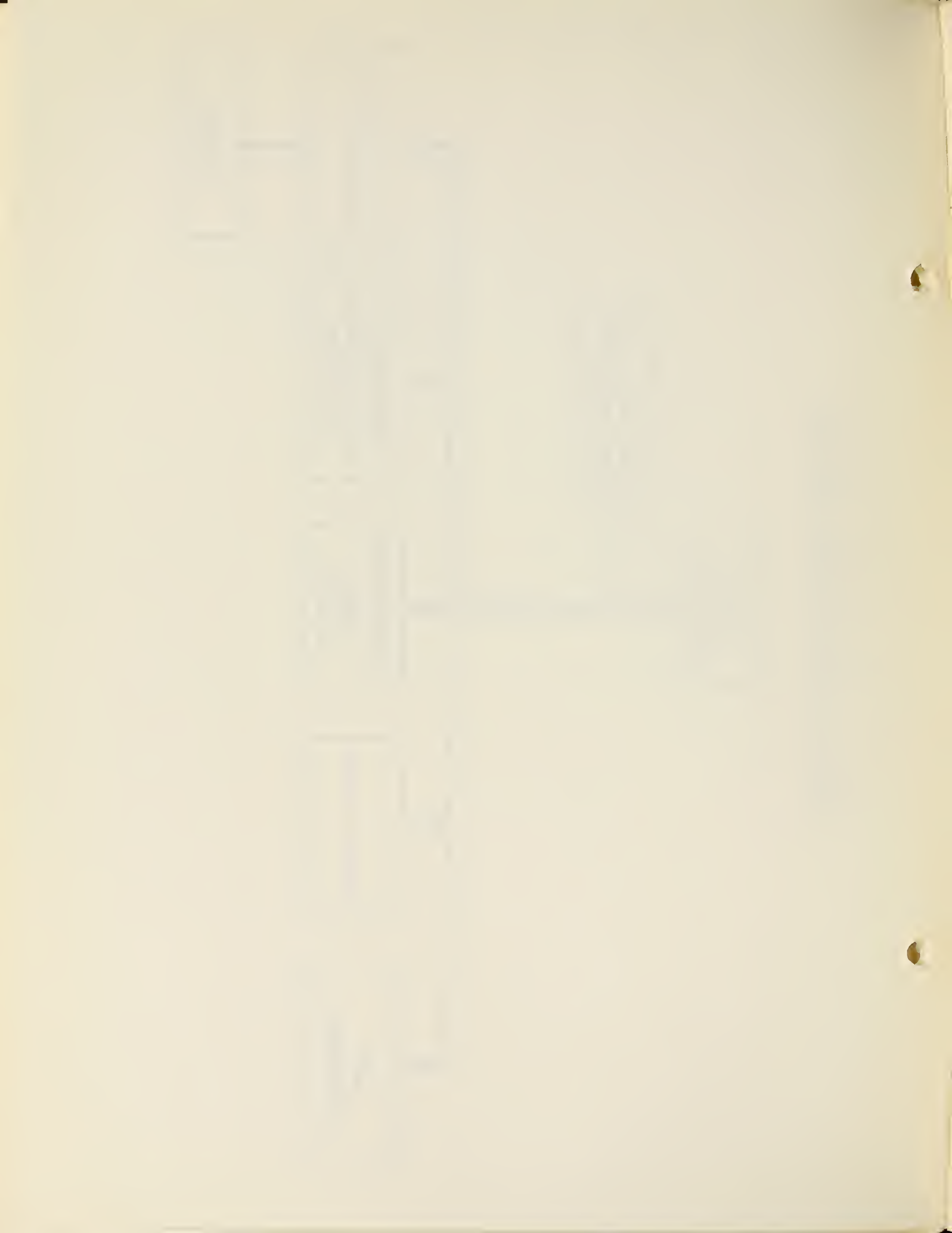
The introduction of these positions into the DPW will be accomplished no later than November 1, 1975.

Training Procedures

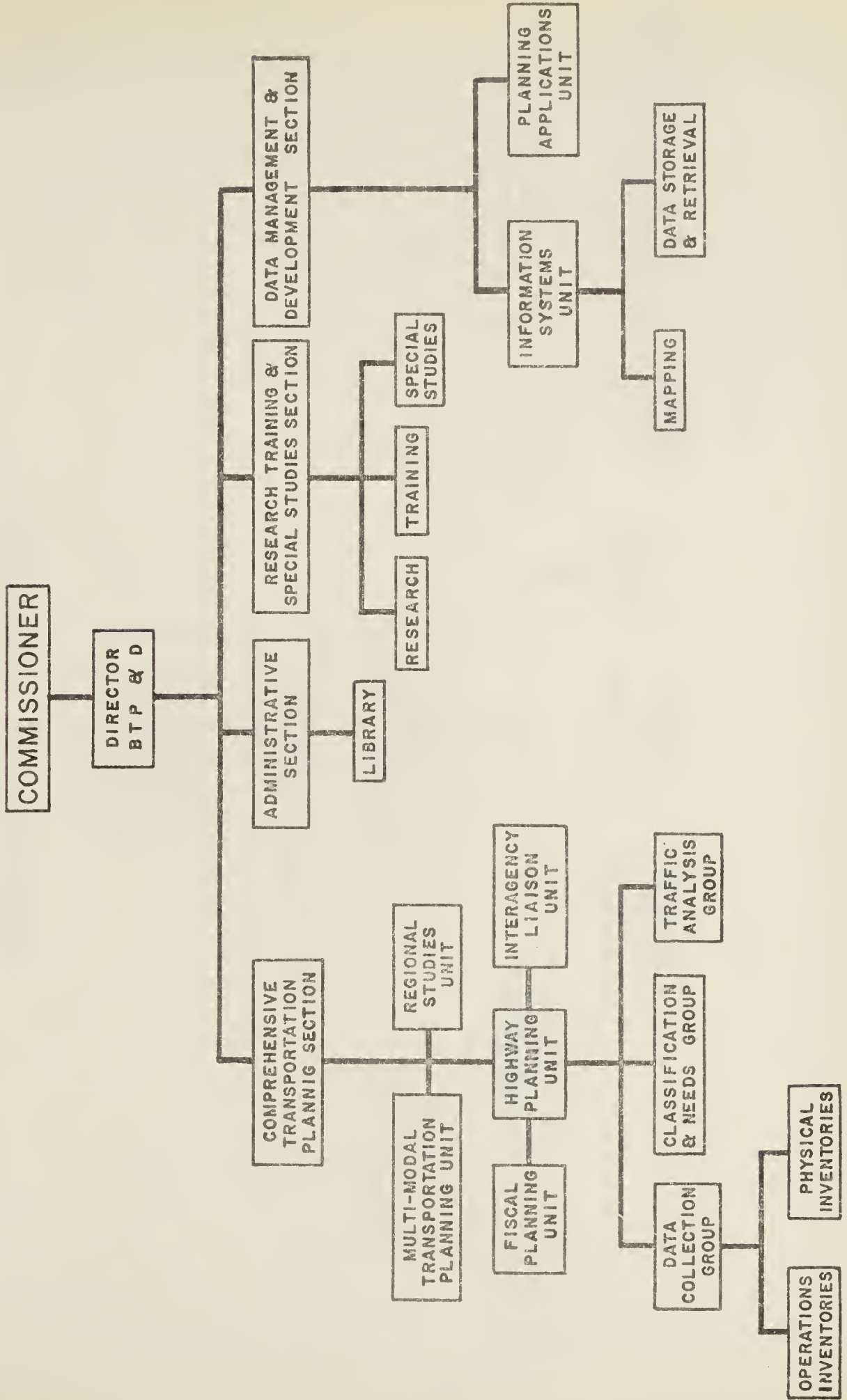
The Department is negotiating a training contract for multi-disciplines with the University of Massachusetts. Although not finalized at this time, when the training contract is completed it will be included in the Appendix to the Action Plan. (Also see Section VIII for further training procedures).

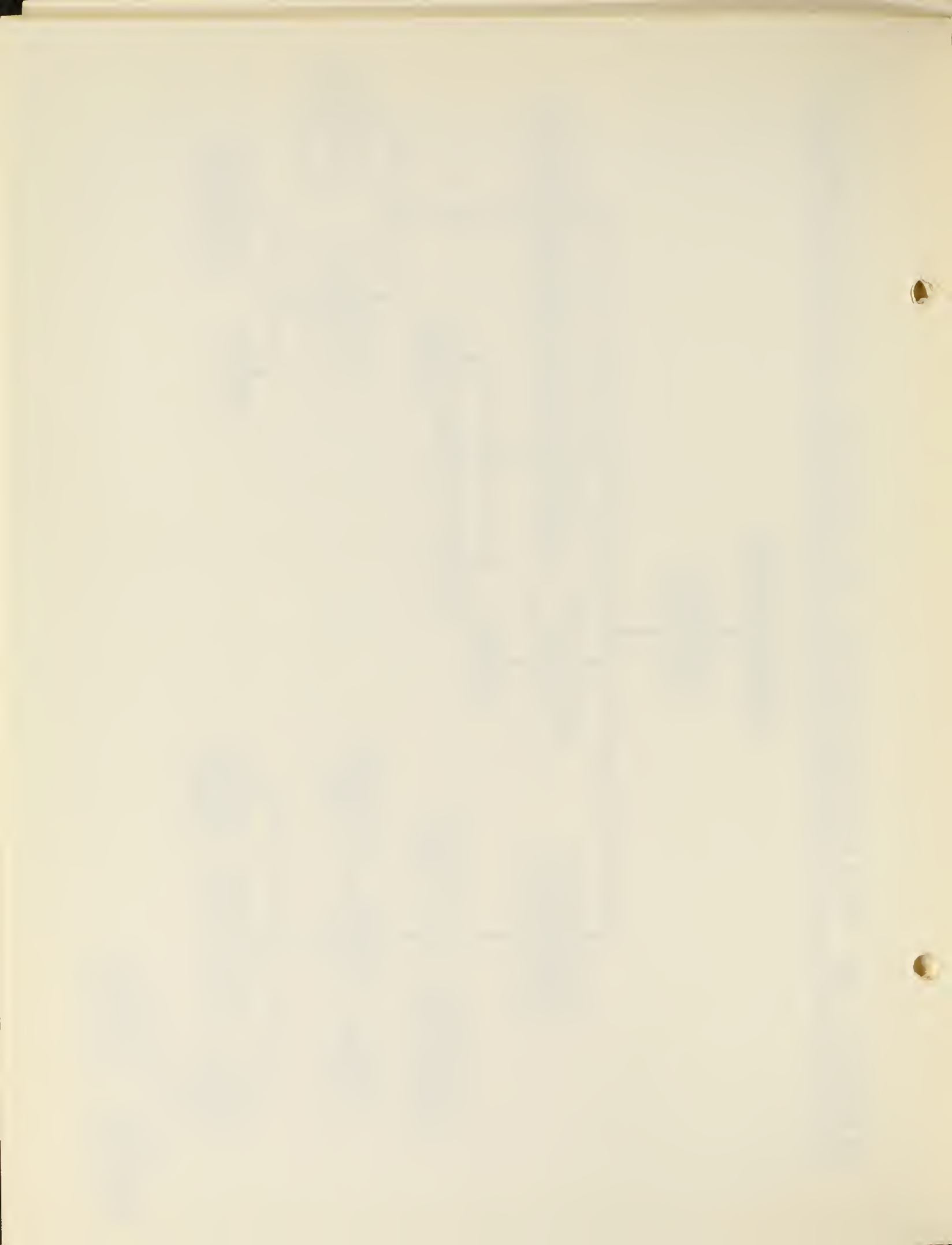
CHIEF ENGINEER'S OFFICE



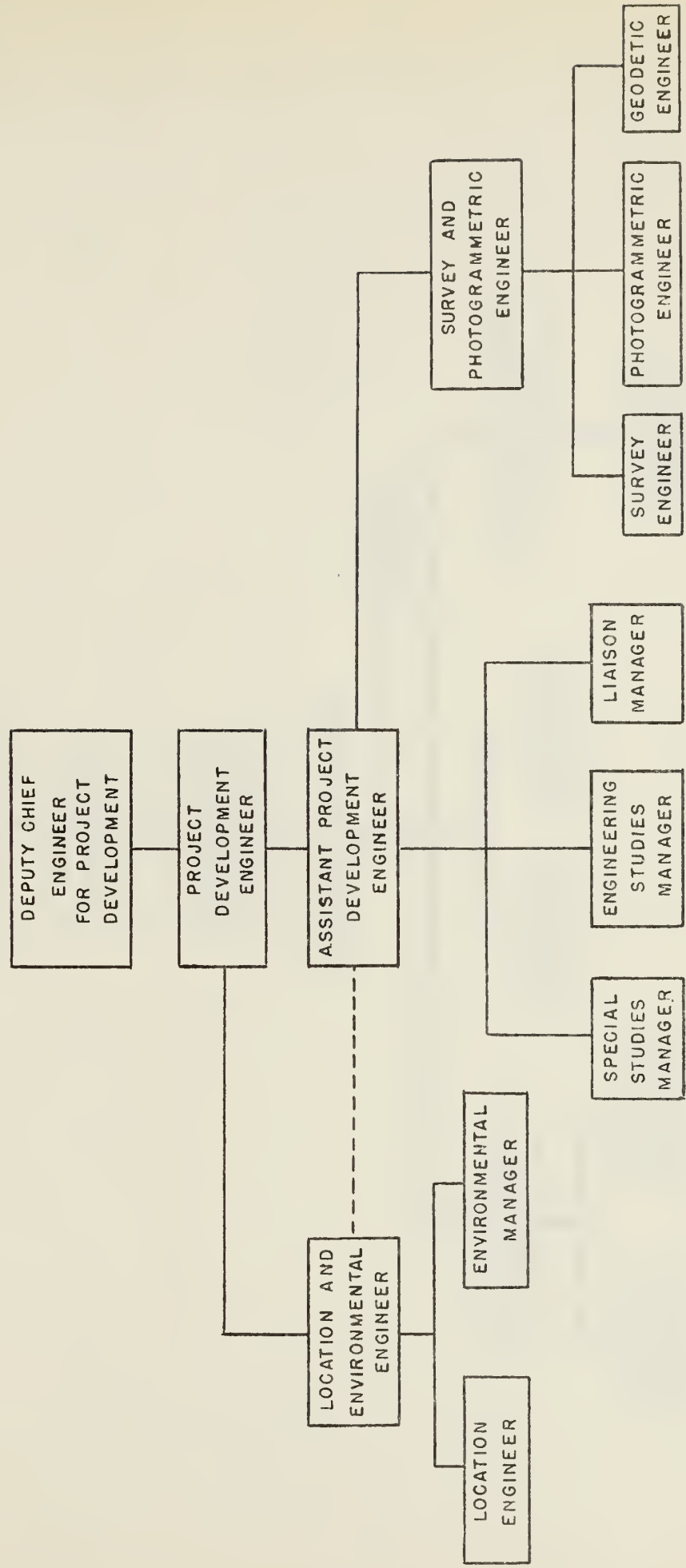


BUREAU OF TRANSPORTATION, PLANNING, & DEVELOPMENT

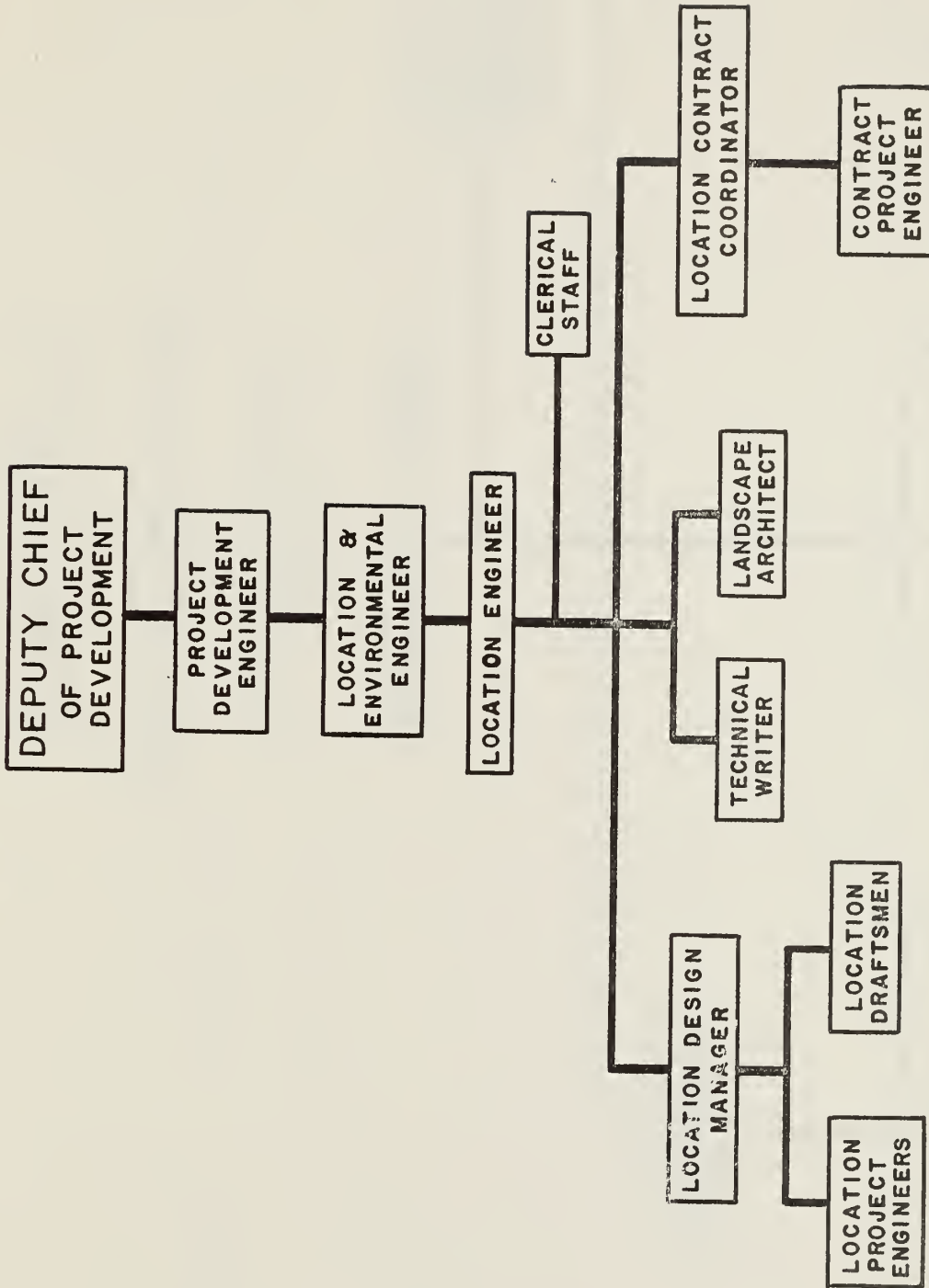


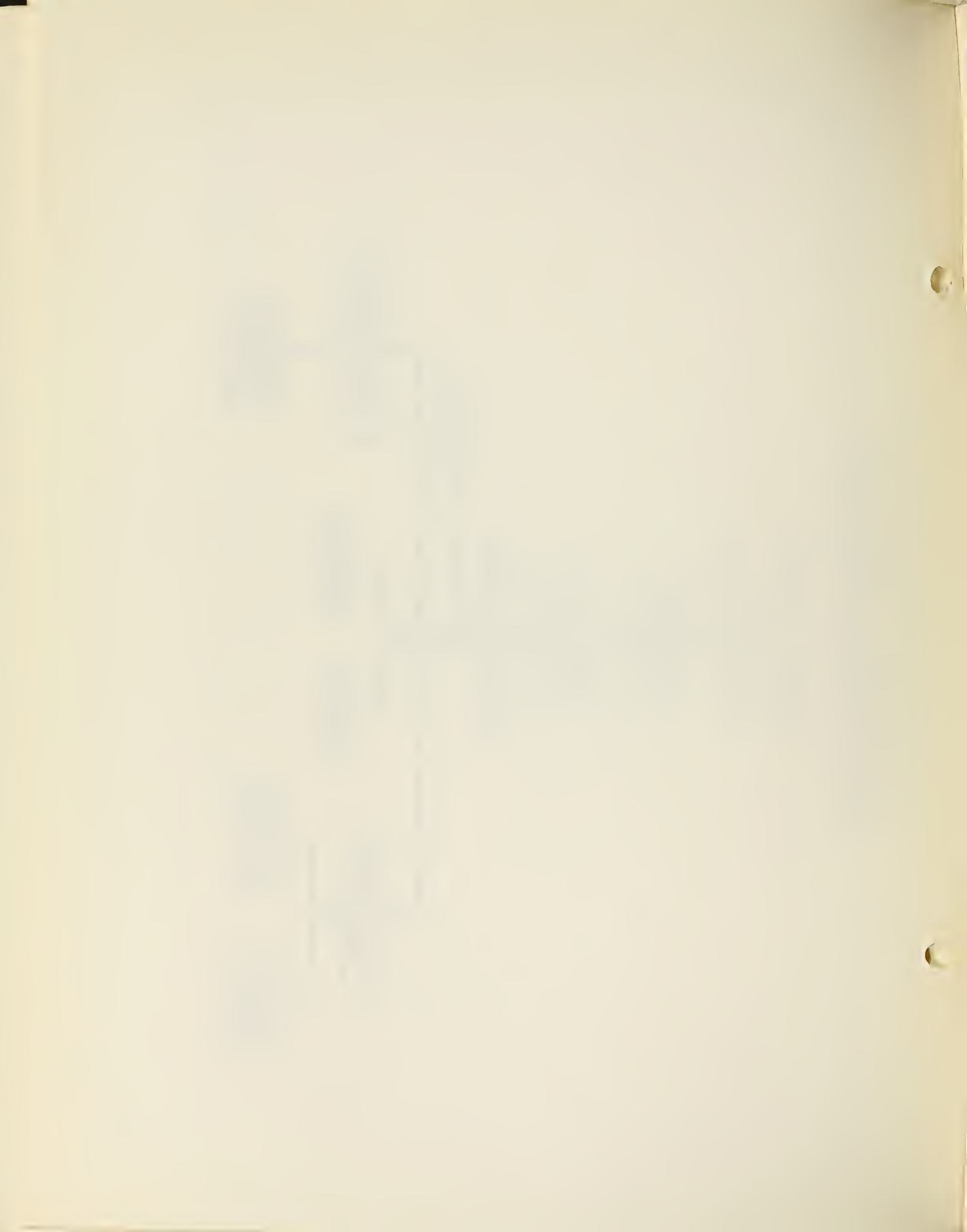


BUREAU OF PROJECT DEVELOPMENT

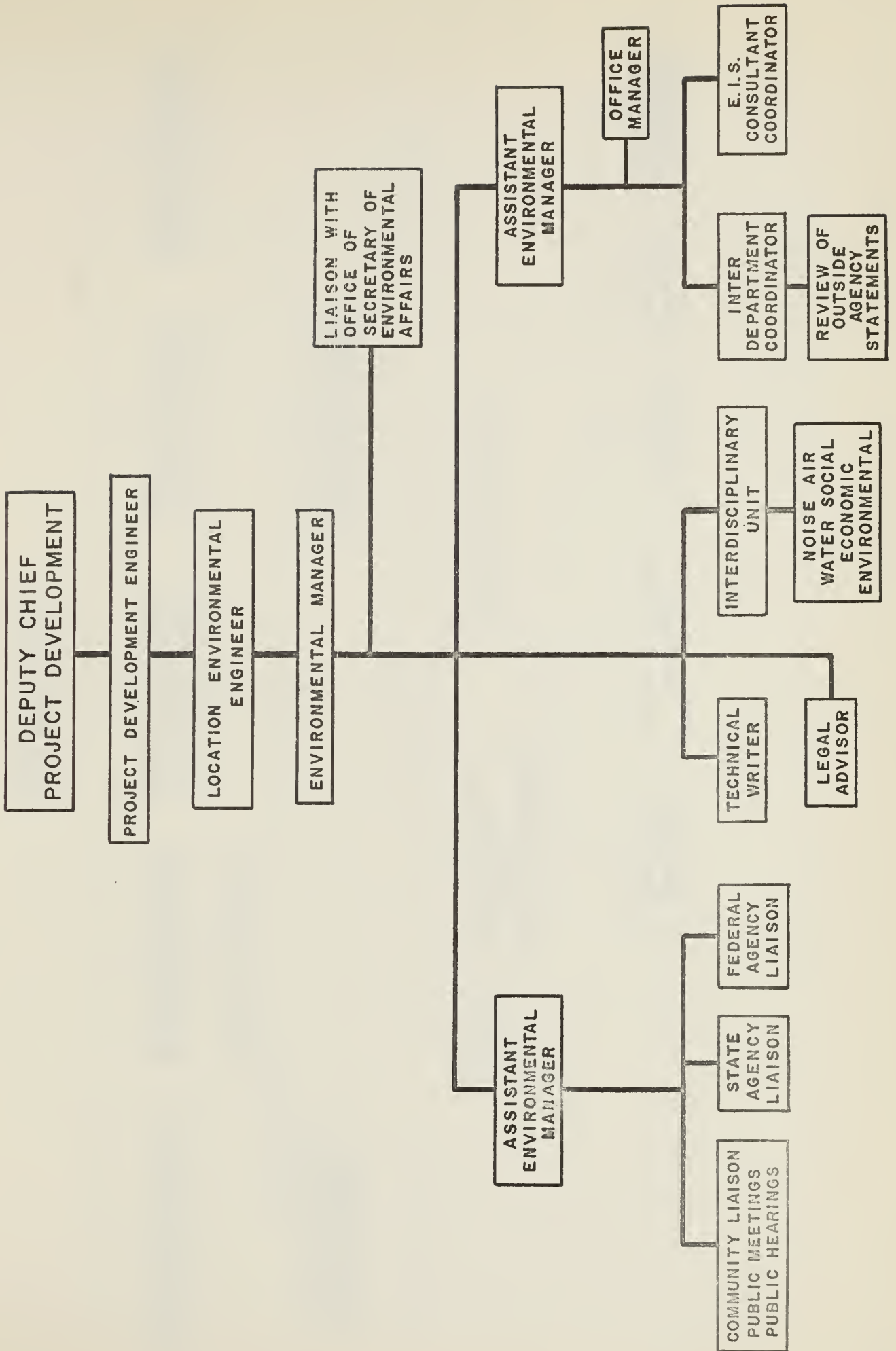


LOCATION SECTION



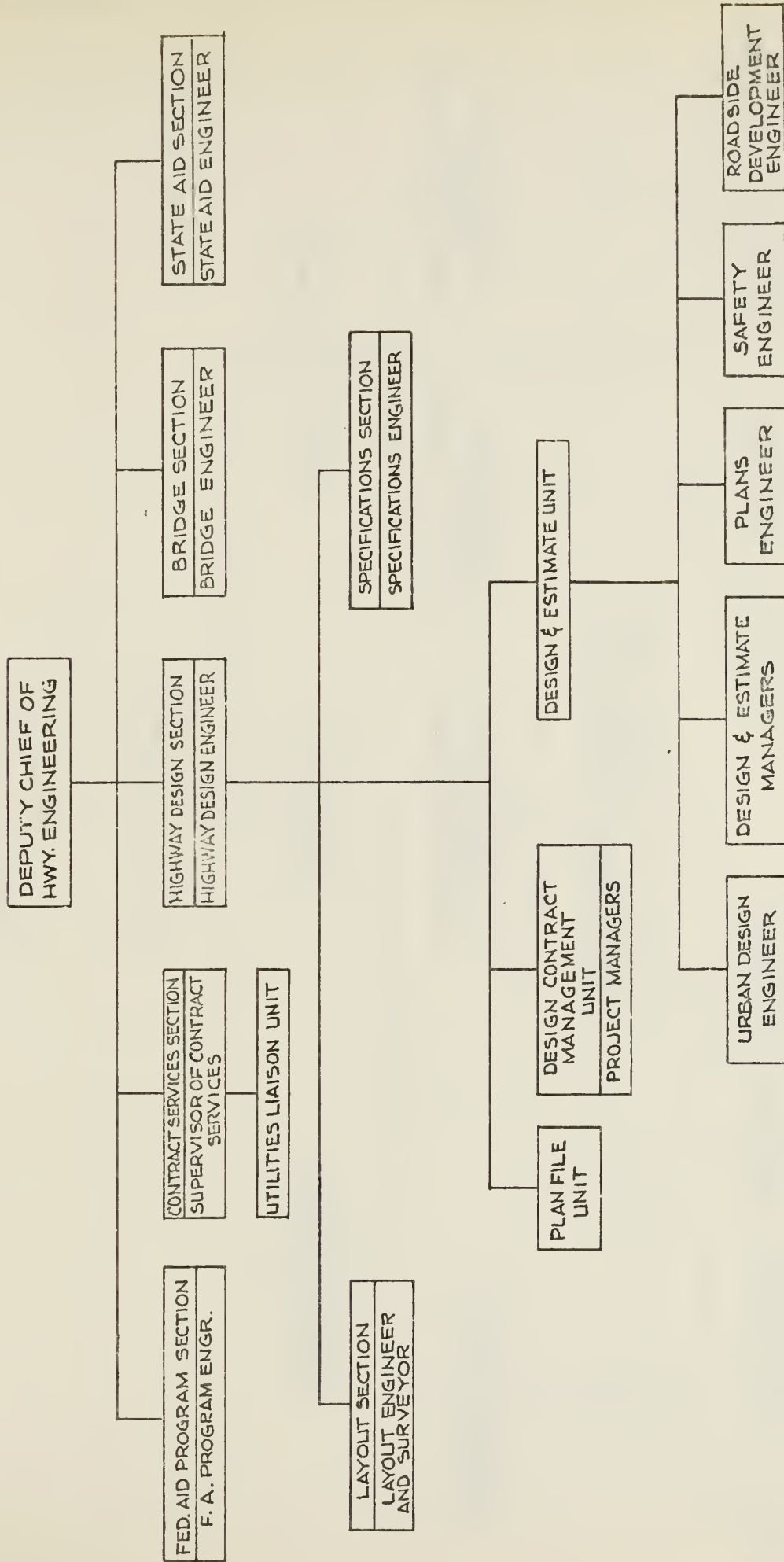


ENVIRONMENTAL SECTION

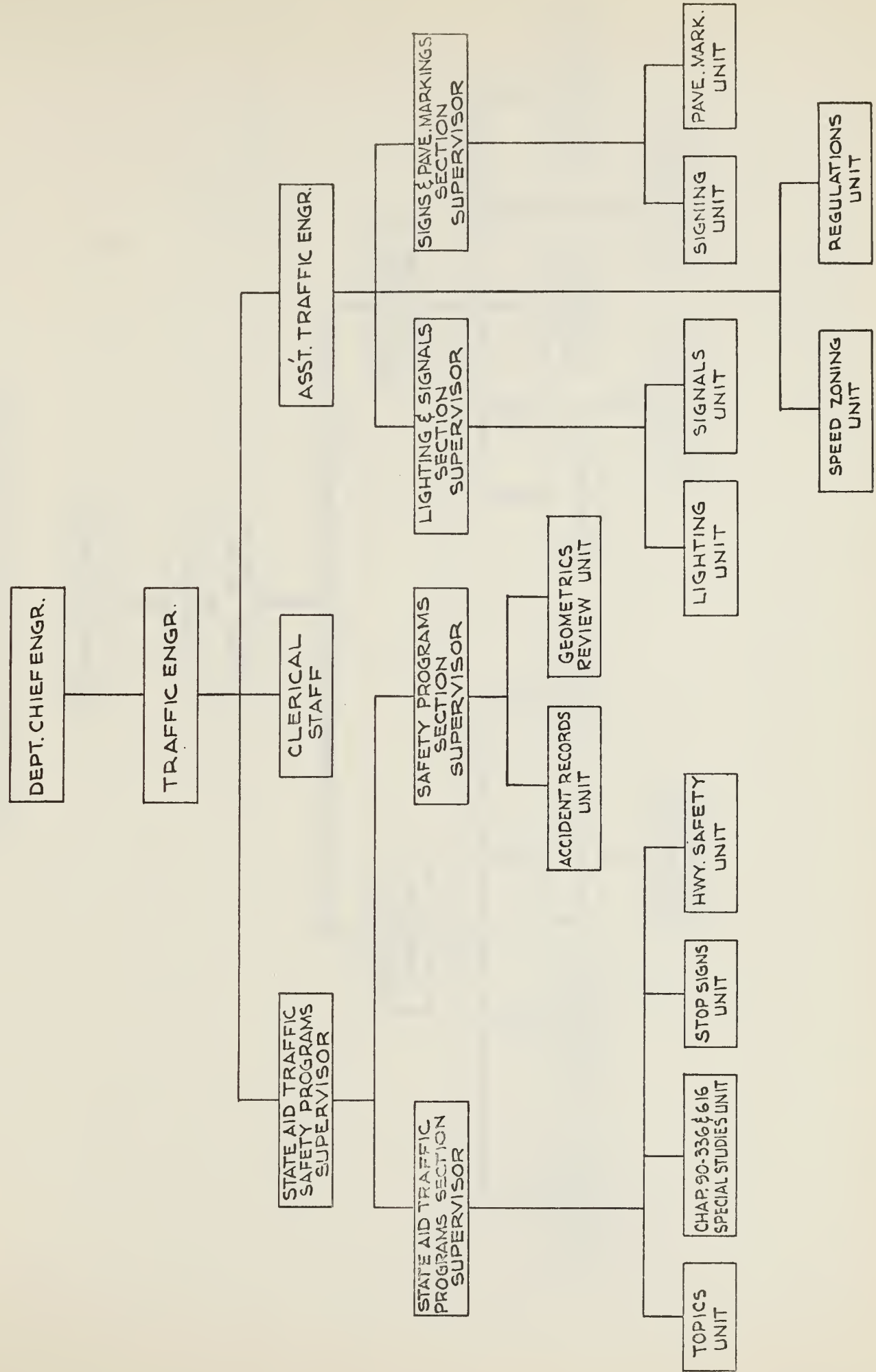


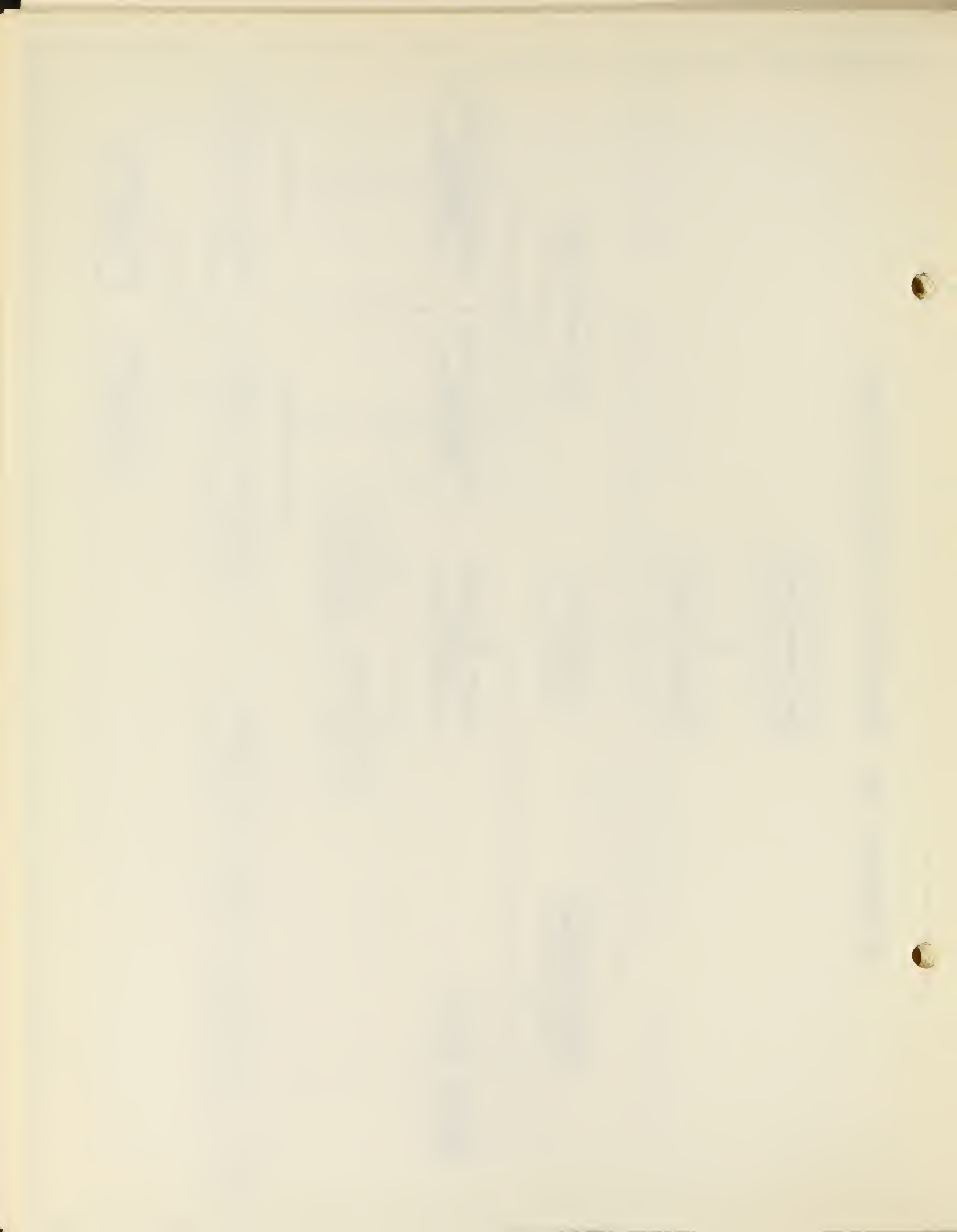


HIGHWAY ENGINEERING DIVISION

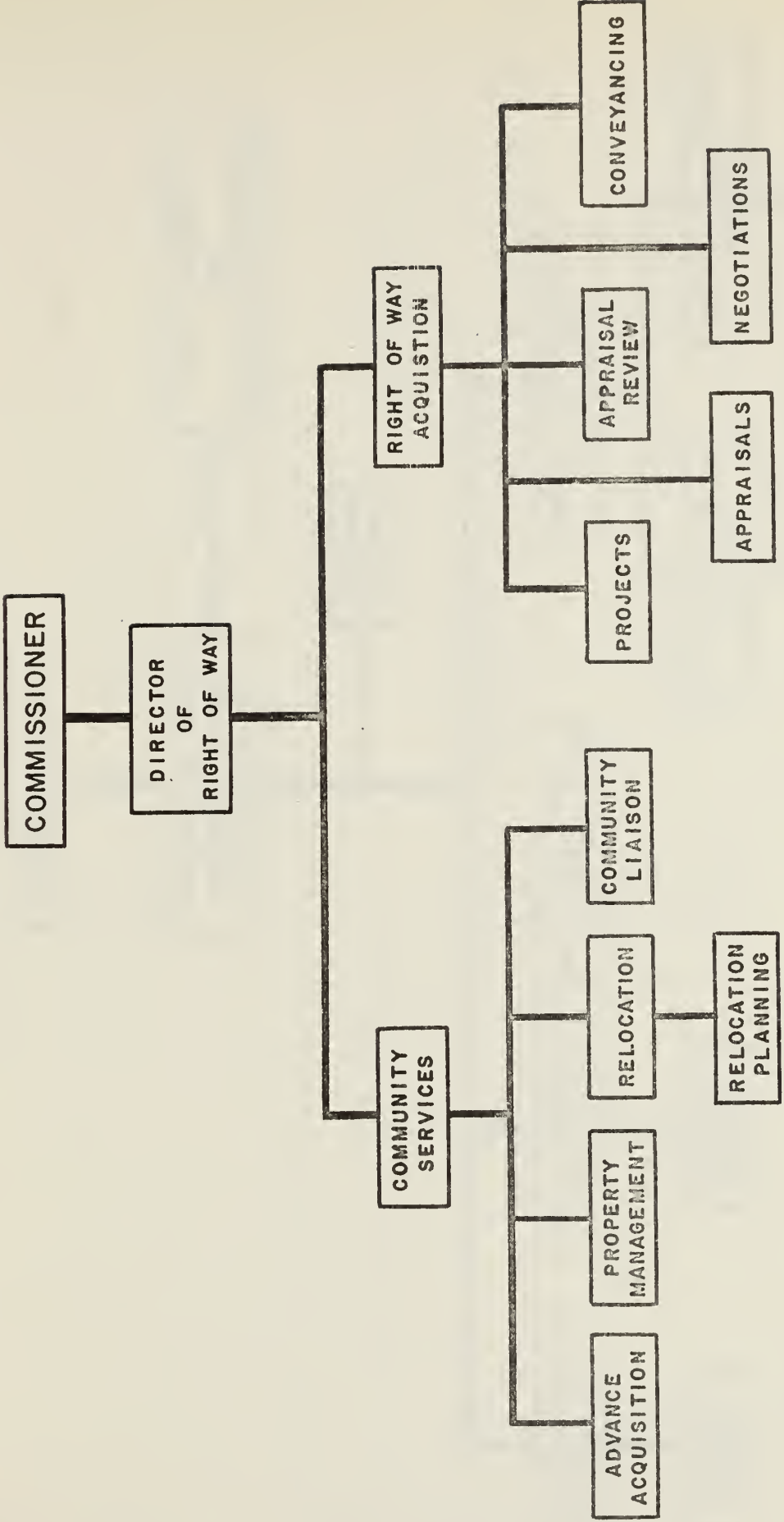


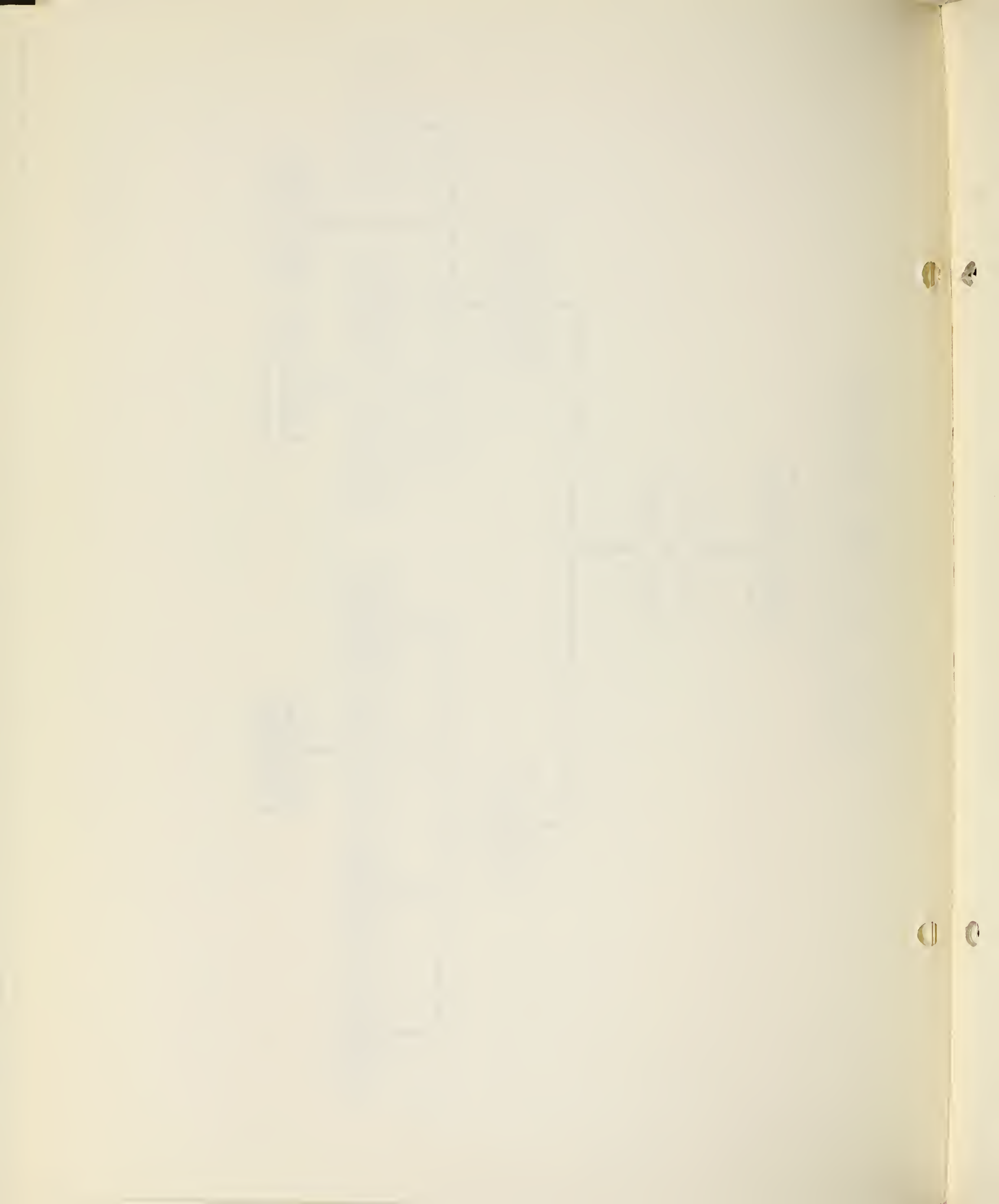
BUREAU OF TRAFFIC OPERATIONS



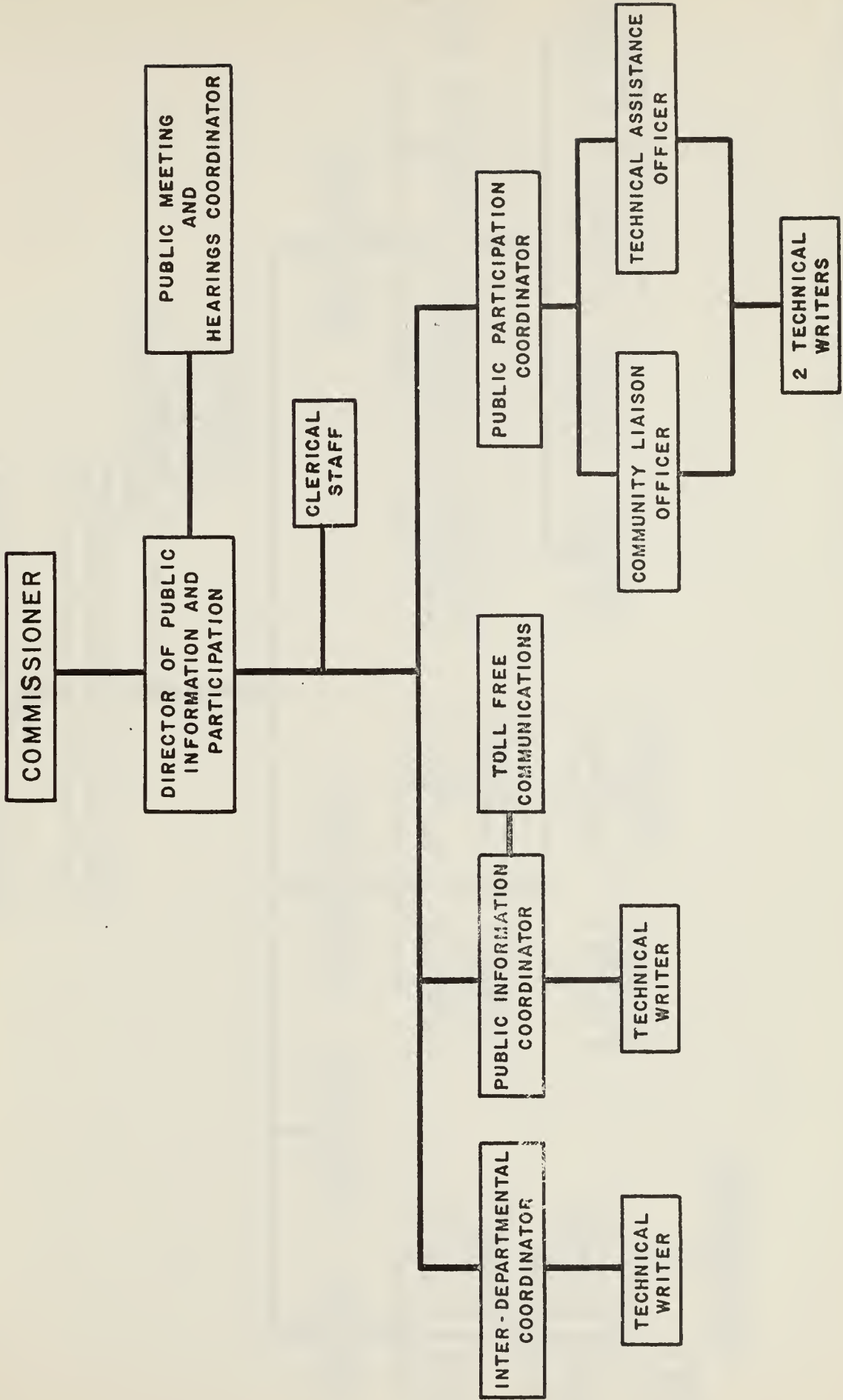


RIGHT OF WAY BUREAU



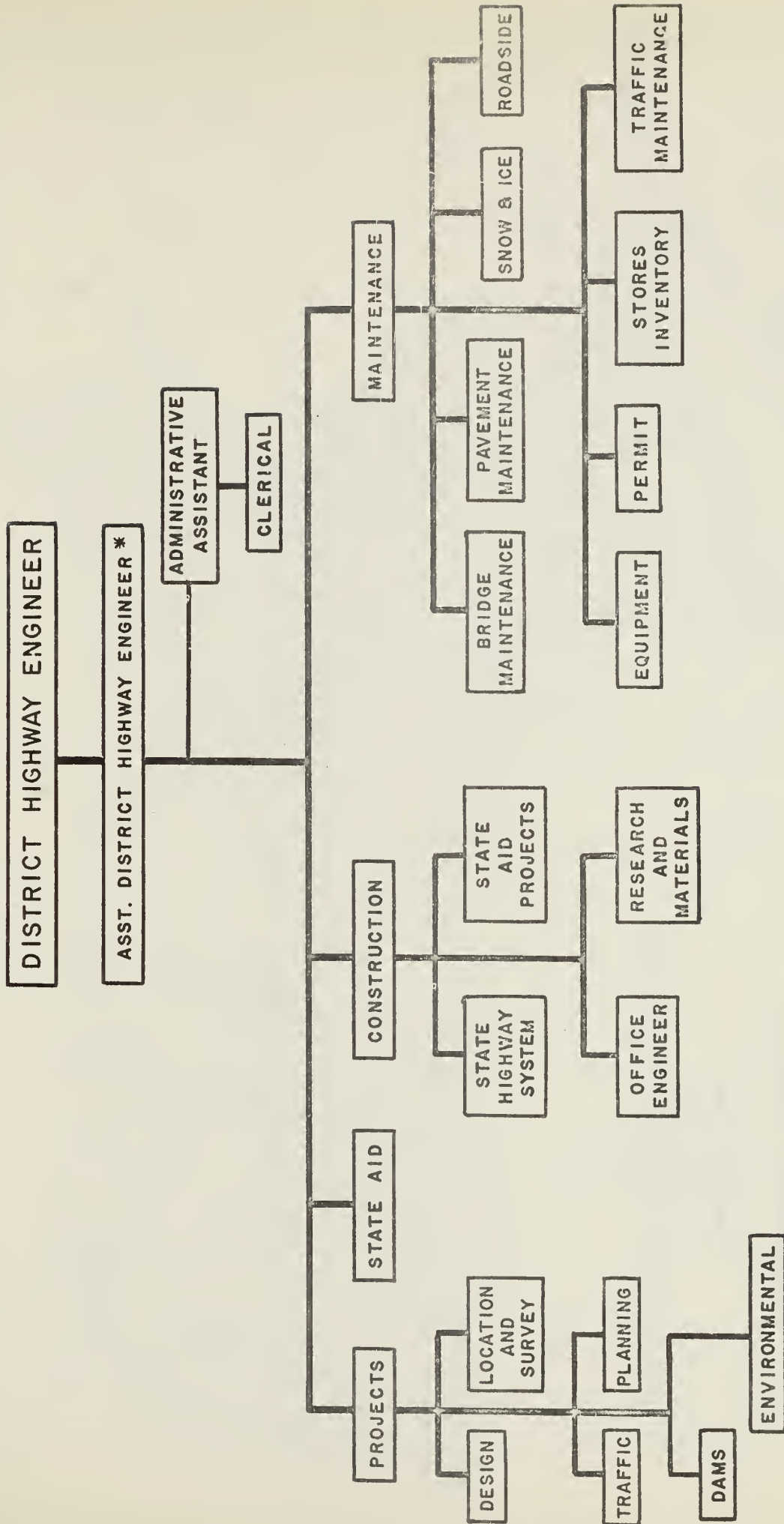


PUBLIC INFORMATION AND PARTICIPATION SECTION





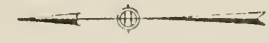
TYPICAL DISTRICT



* ALSO FUNCTIONS AS ONE OF THE DIVISION HEADS



ATLANTIC OCEAN



OCEAN

CAPE COD BAY

NANTUCKET SOUND



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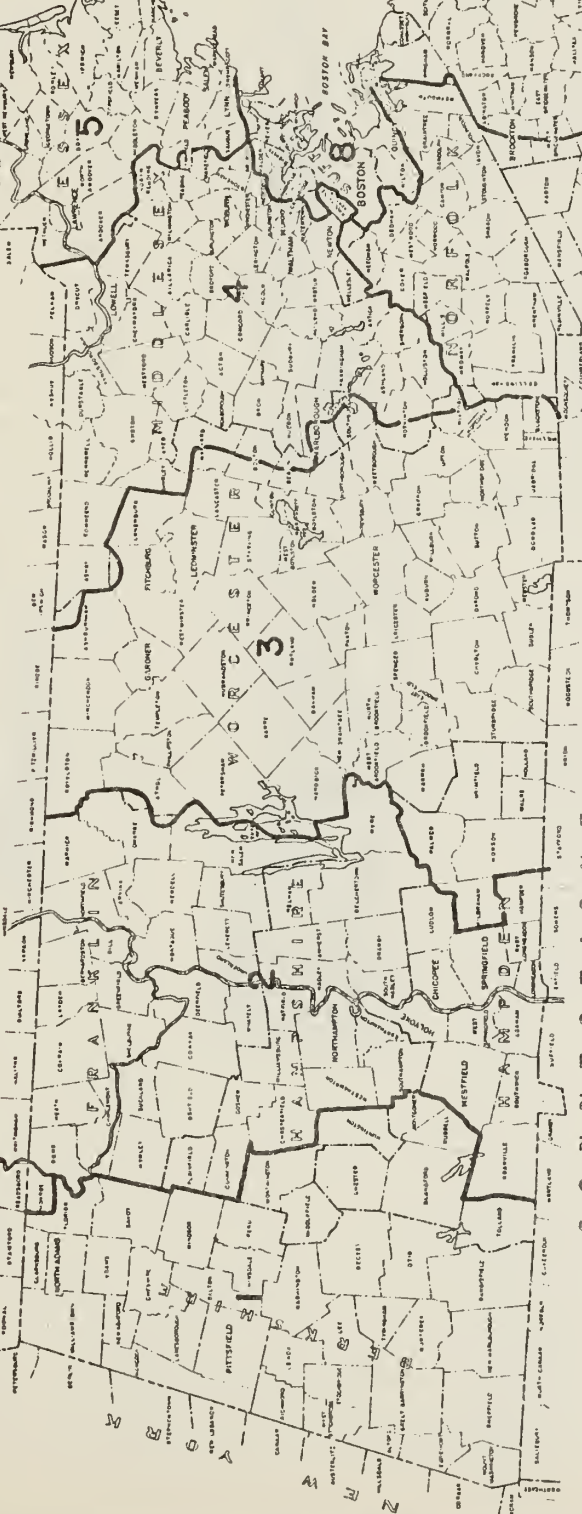
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NEW HAMPSHIRE

VERMONT



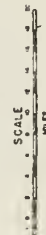
CONNECTICUT

MAP

OF

MASSACHUSETTS

CITY AND TOWN LINES



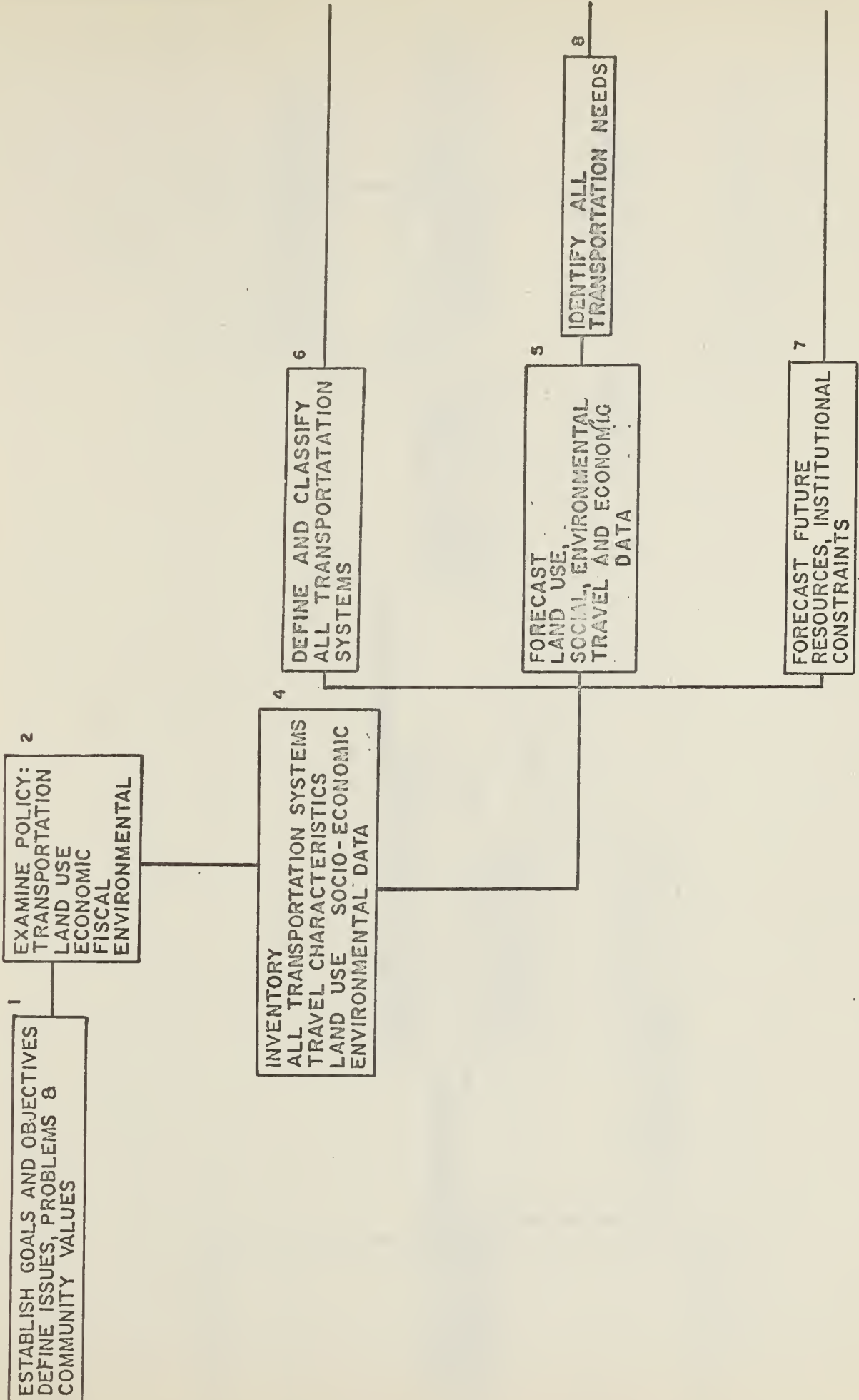
DEPARTMENT OF PUBLIC WORKS

MAINTENANCE DISTRICTS

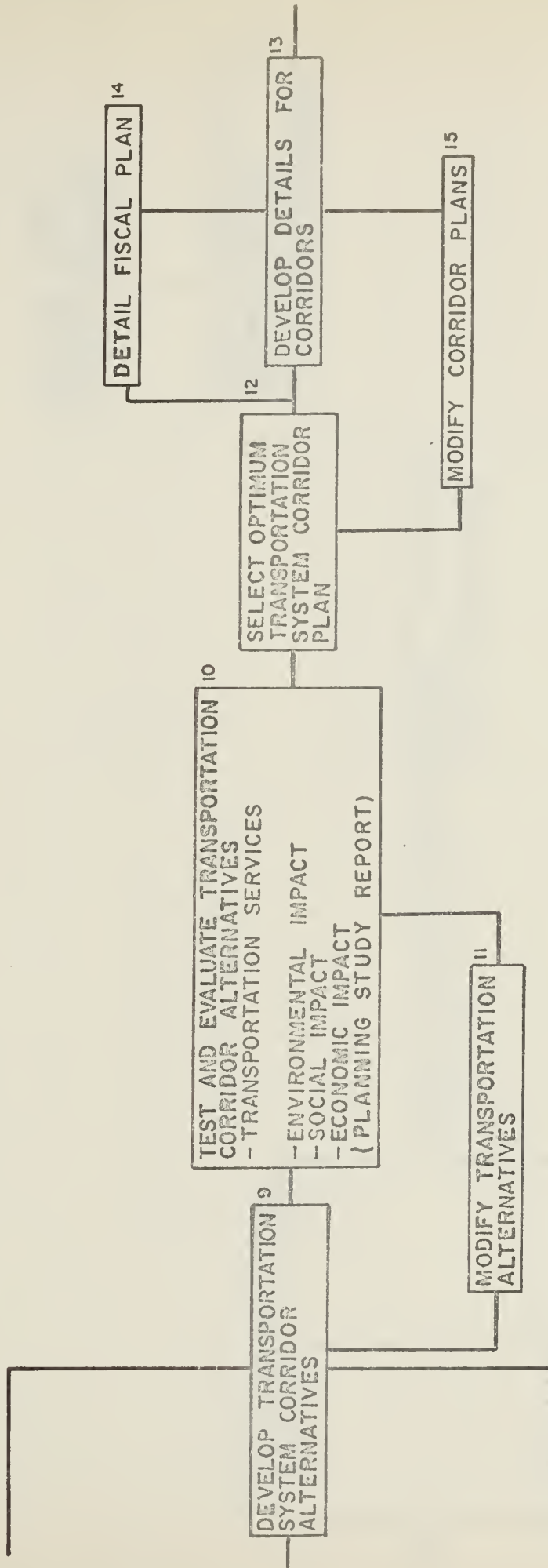
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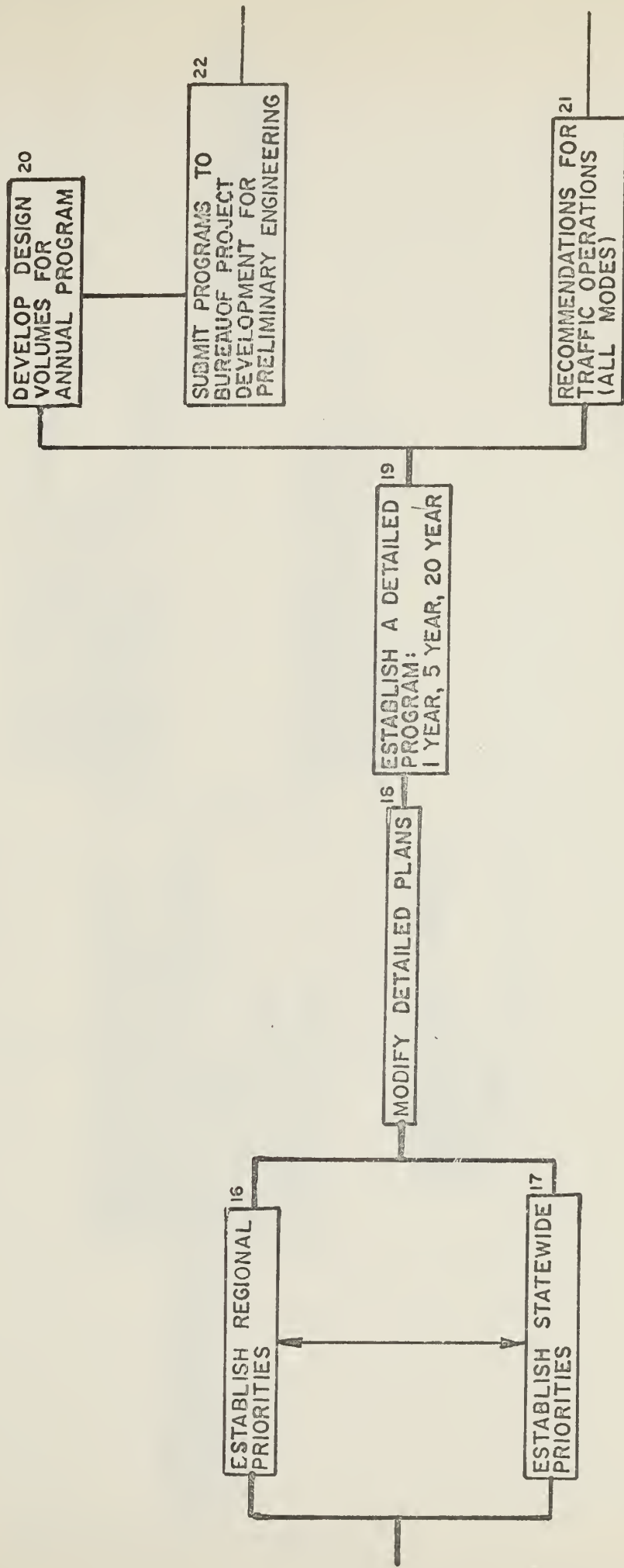
SYSTEM PLANNING PHASE



SYSTEM PLANNING PHASE

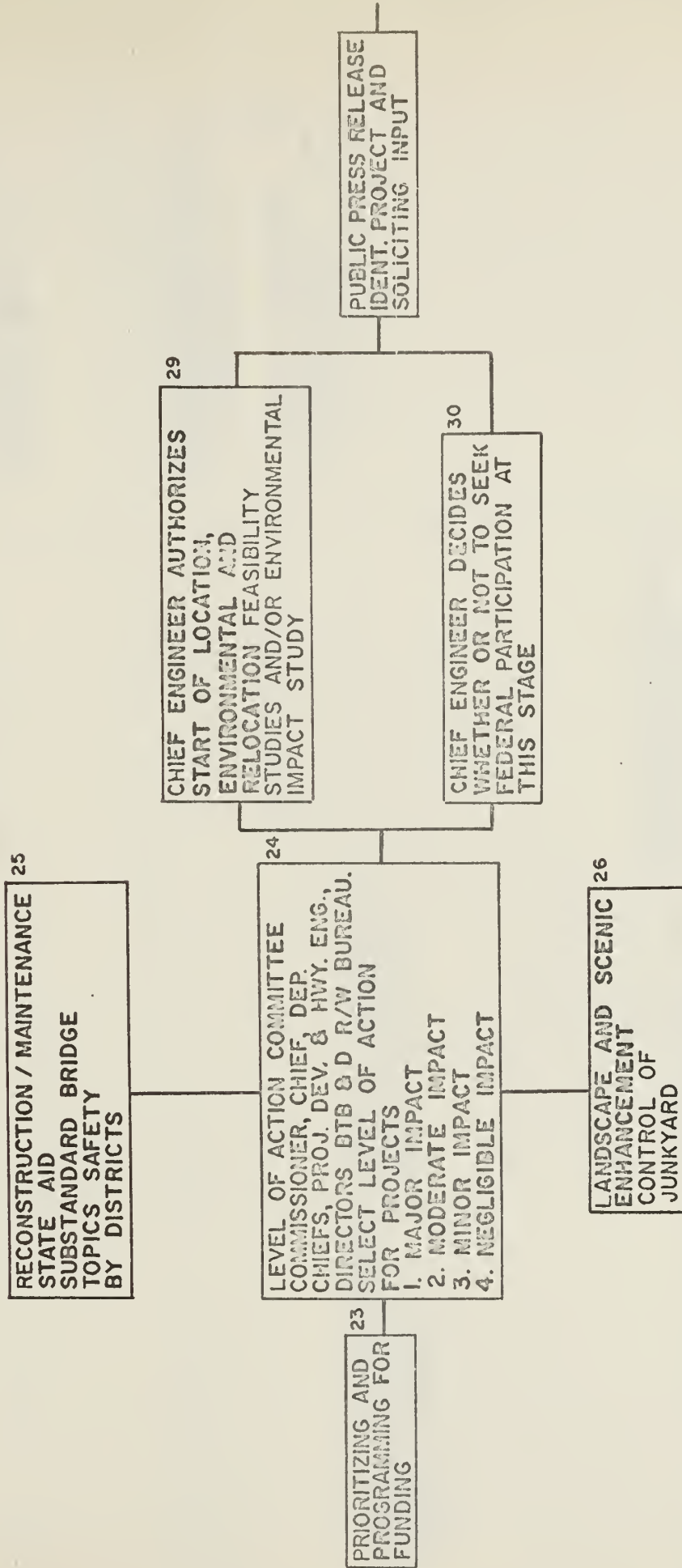


SYSTEM PLANNING PHASE

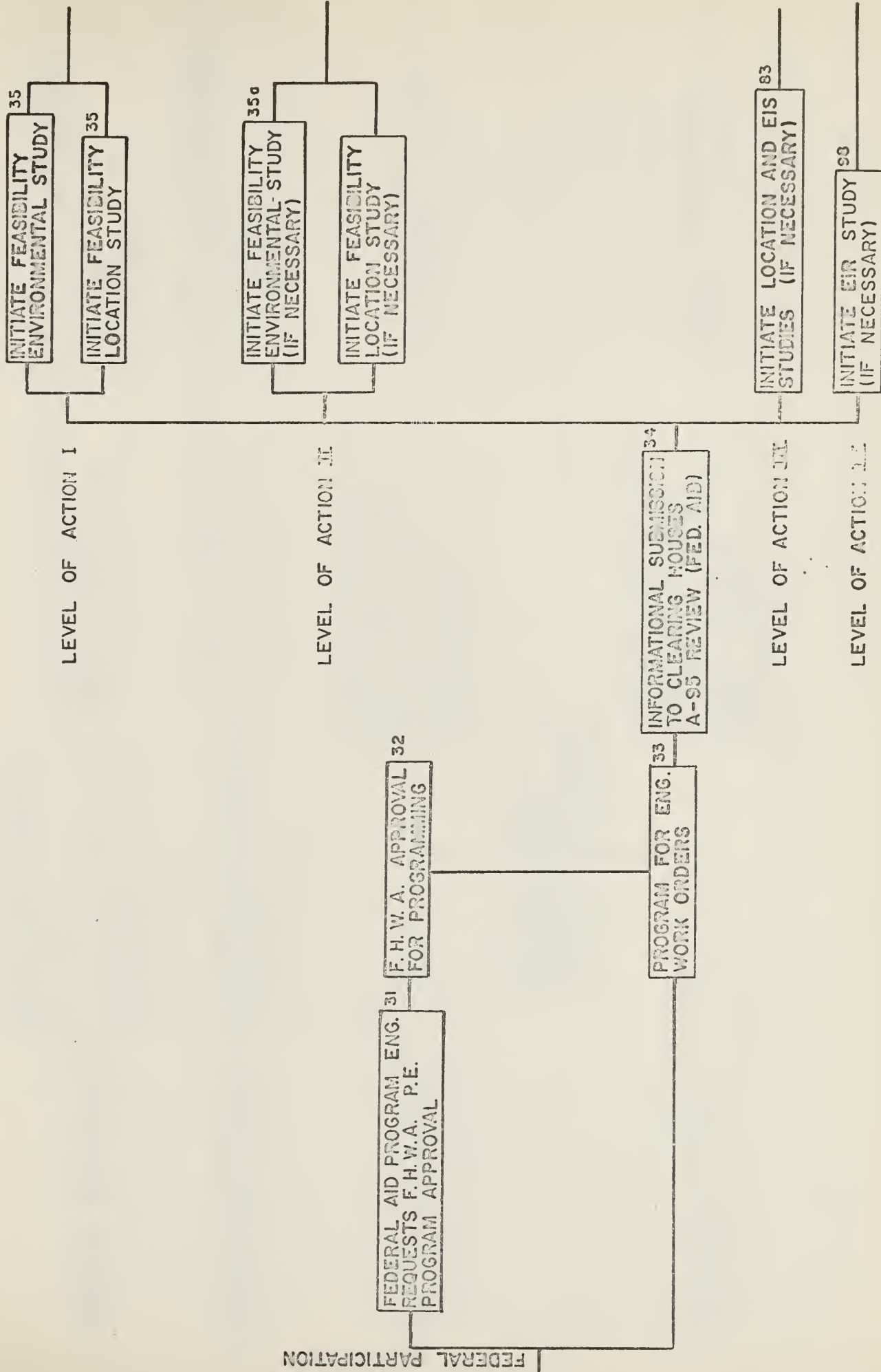




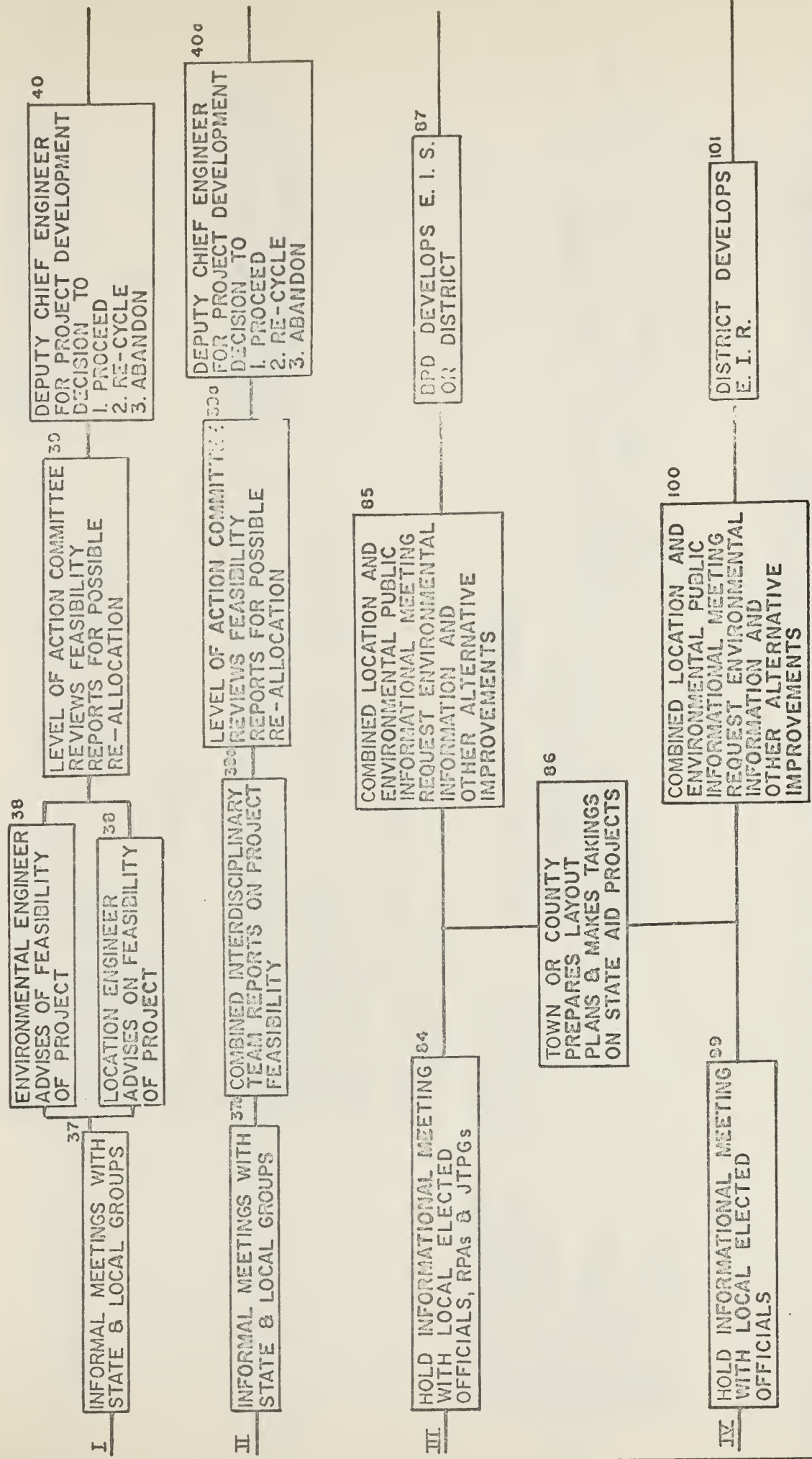
PROJECT DEVELOPMENT PHASE



PROJECT DEVELOPMENT PHASE



PROJECT DEVELOPMENT PHASE



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II

III

IV

38 ENVIRONMENTAL ENGINEER ADVISES OF FEASIBILITY OF PROJECT

38 LOCATION ENGINEER ADVISES ON FEASIBILITY OF PROJECT

30 LEVEL OF ACTION COMMITTEE REVIEWS FEASIBILITY REPORTS FOR POSSIBLE RE-ALLOCATION

39 LEVEL OF ACTION COMMITTEE REVIEWS FEASIBILITY REPORTS FOR POSSIBLE RE-ALLOCATION

39 COMBINED INTERDISCIPLINARY TEAM REPORTS ON PROJECT FEASIBILITY

84 HOLD INFORMATIONAL MEETING WITH LOCAL ELECTED OFFICIALS, RPAs & JTPGs

85 COMBINED LOCATION AND ENVIRONMENTAL PUBLIC INFORMATIONAL MEETING REQUEST ENVIRONMENTAL INFORMATION AND OTHER ALTERNATIVE IMPROVEMENTS

86 TOWN OR COUNTY PREPARES LAYOUT PLANS & MAKES TAKINGS ON STATE AID PROJECTS

99 HOLD INFORMATIONAL MEETING WITH LOCAL ELECTED OFFICIALS

100 COMBINED LOCATION AND ENVIRONMENTAL PUBLIC INFORMATIONAL MEETING REQUEST ENVIRONMENTAL INFORMATION AND OTHER ALTERNATIVE IMPROVEMENTS

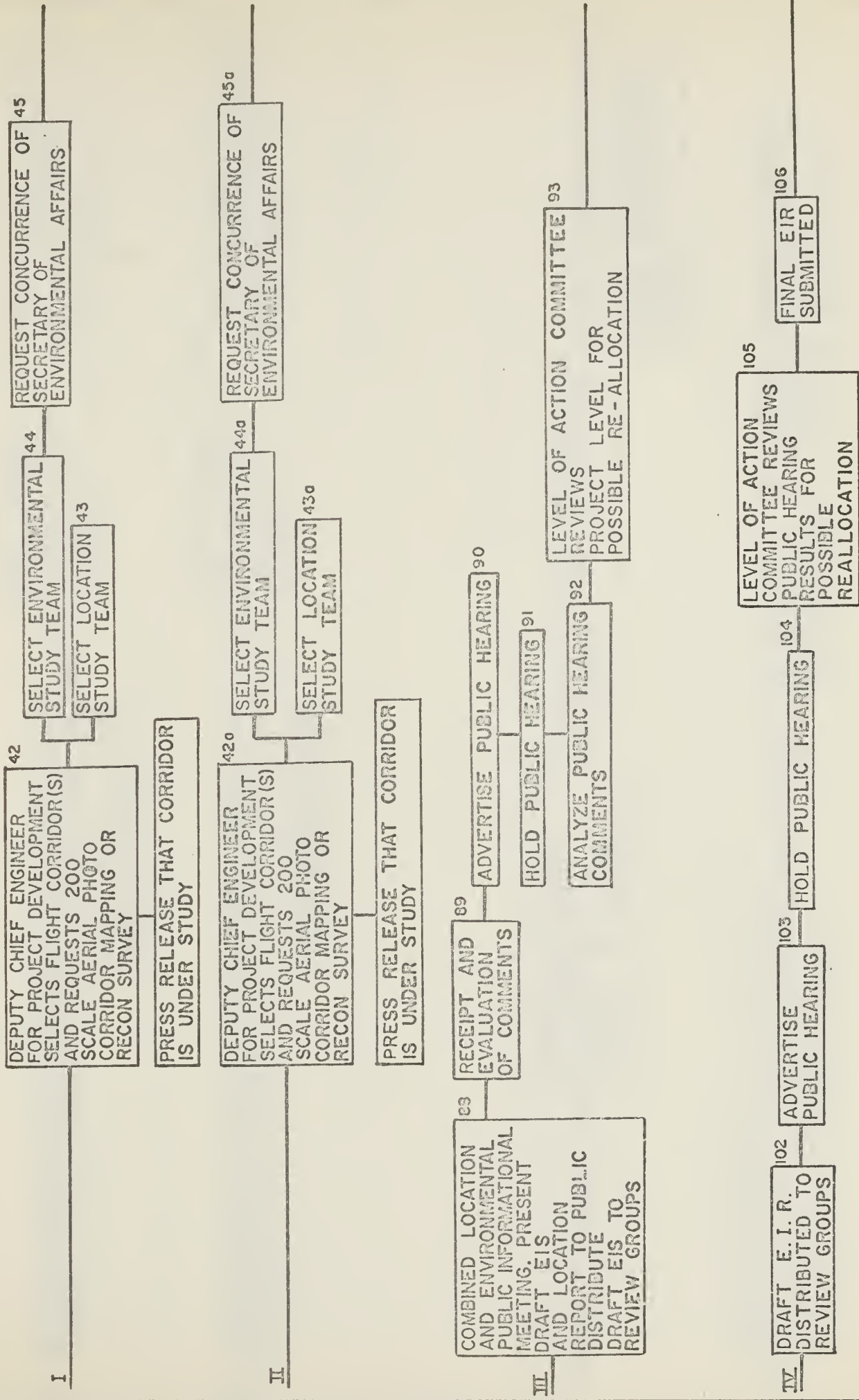
101 DISTRICT DEVELOPS E. I. R.

40 DEPUTY CHIEF ENGINEER FOR PROJECT DEVELOPMENT DECISION TO 1. PROCEED 2. RE-CYCLE 3. ABANDON

40 DEPUTY CHIEF ENGINEER FOR PROJECT DEVELOPMENT DECISION TO 1. PROCEED 2. RE-CYCLE 3. ABANDON

87 BPD DEVELOPS E. I. S. ON DISTRICT

PROJECT DEVELOPMENT PHASE

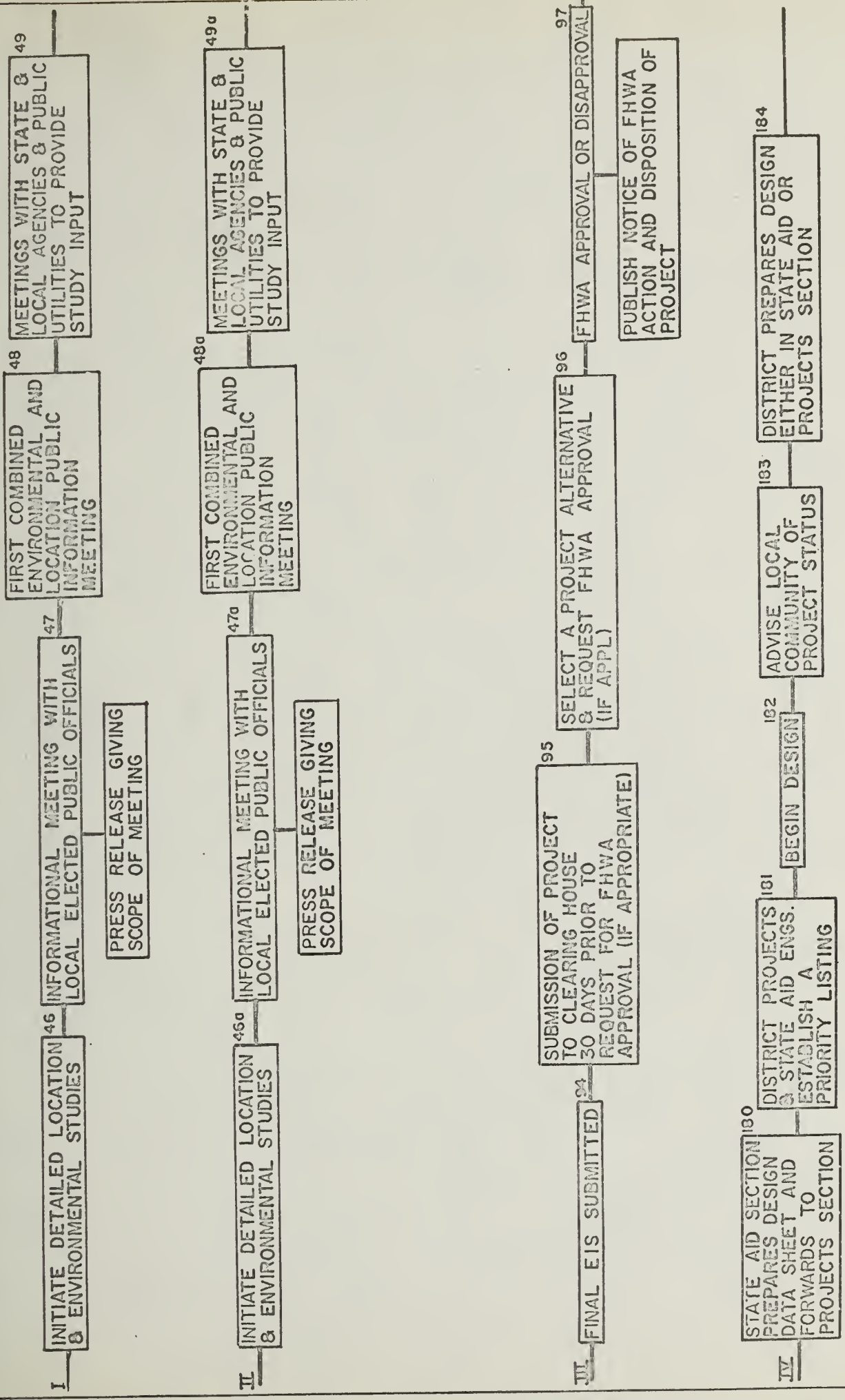


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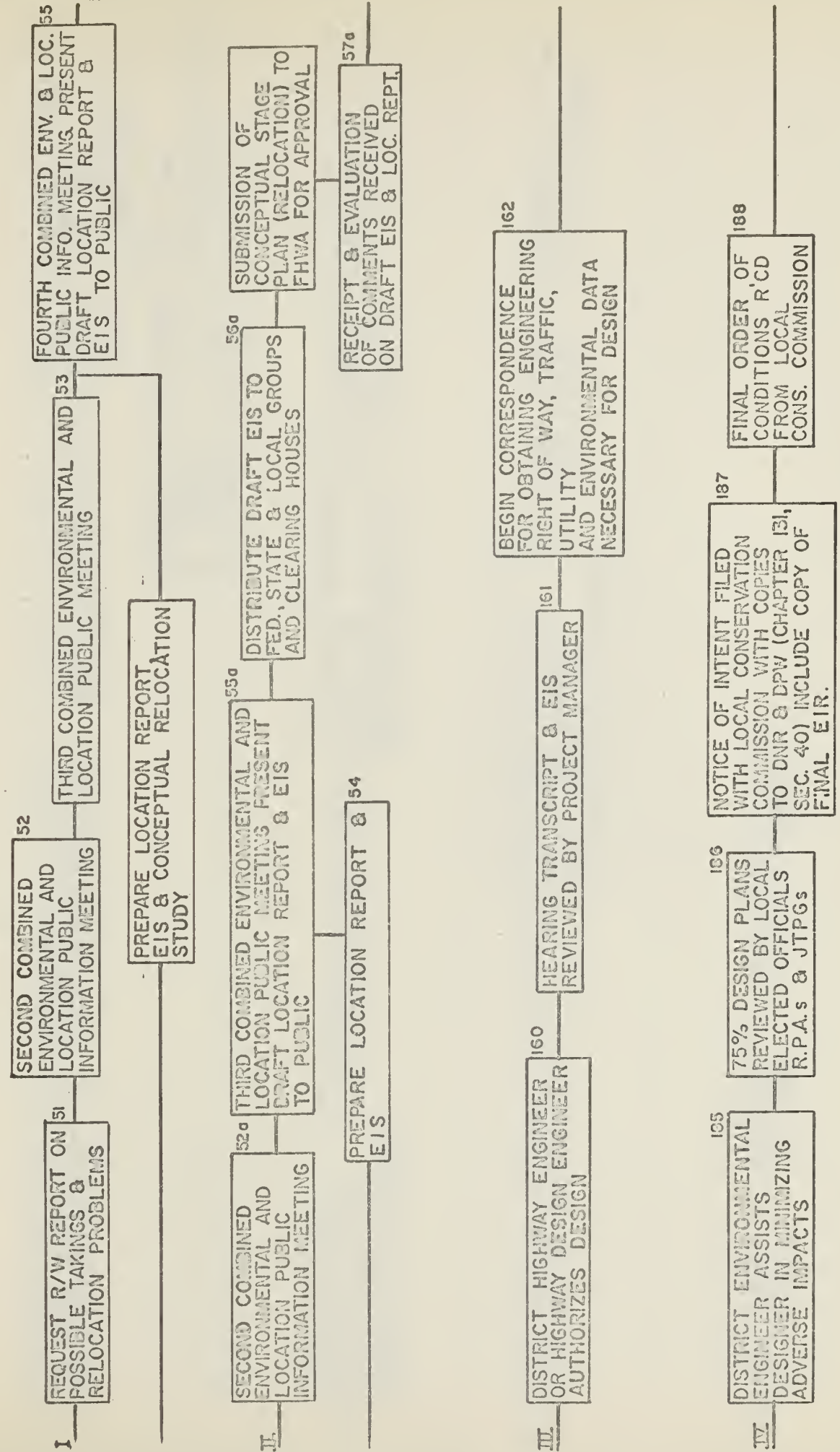
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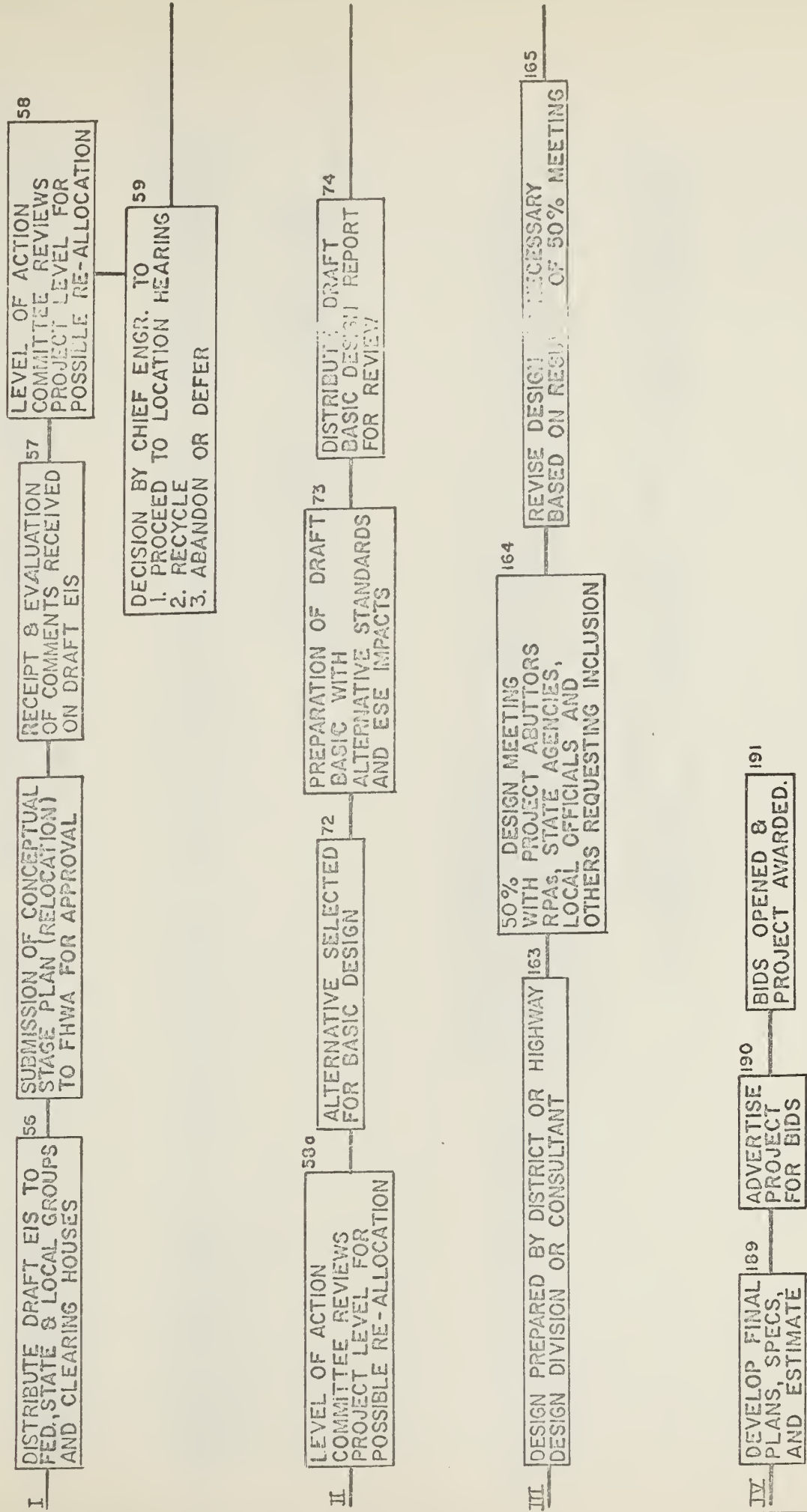
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PROJECT DEVELOPMENT PHASE

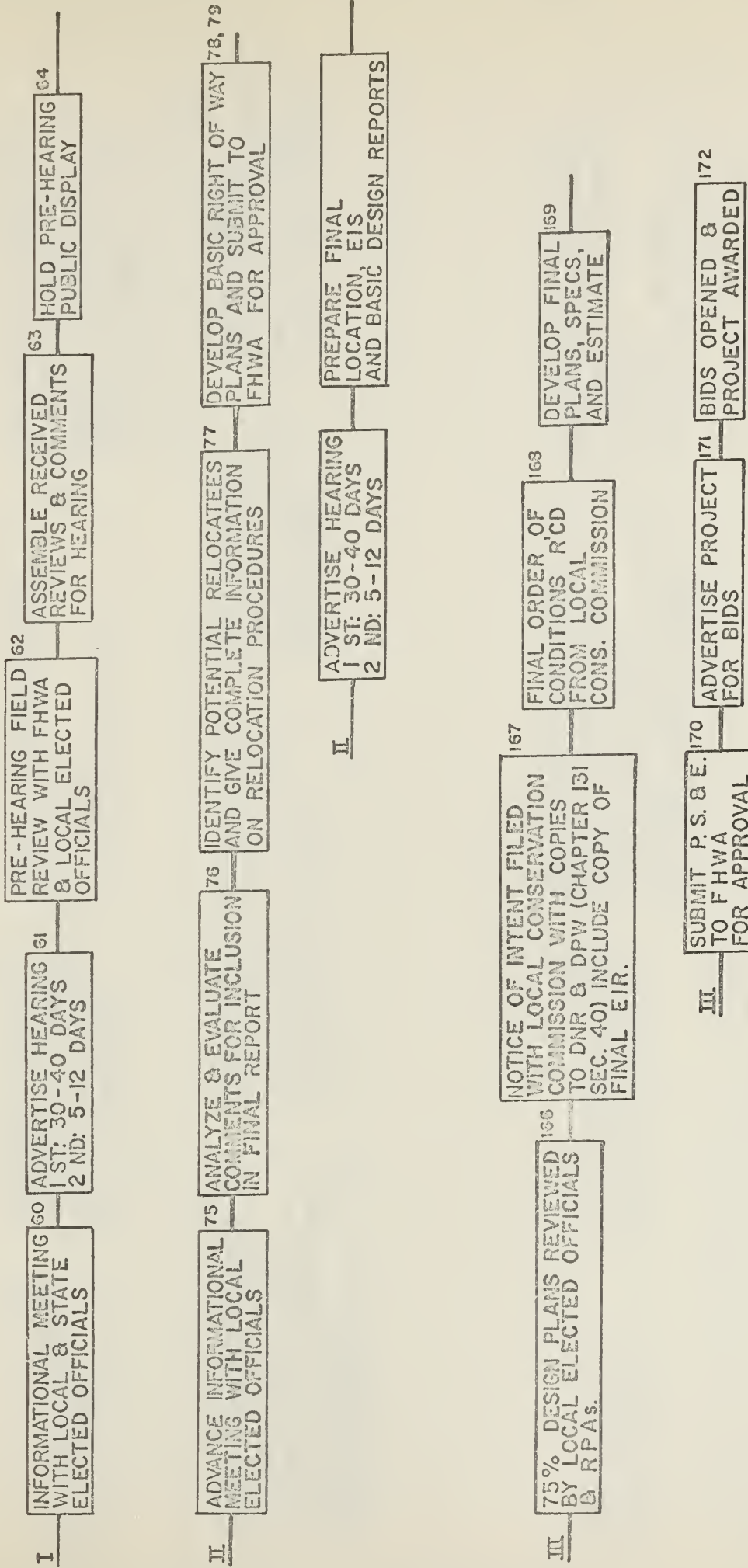


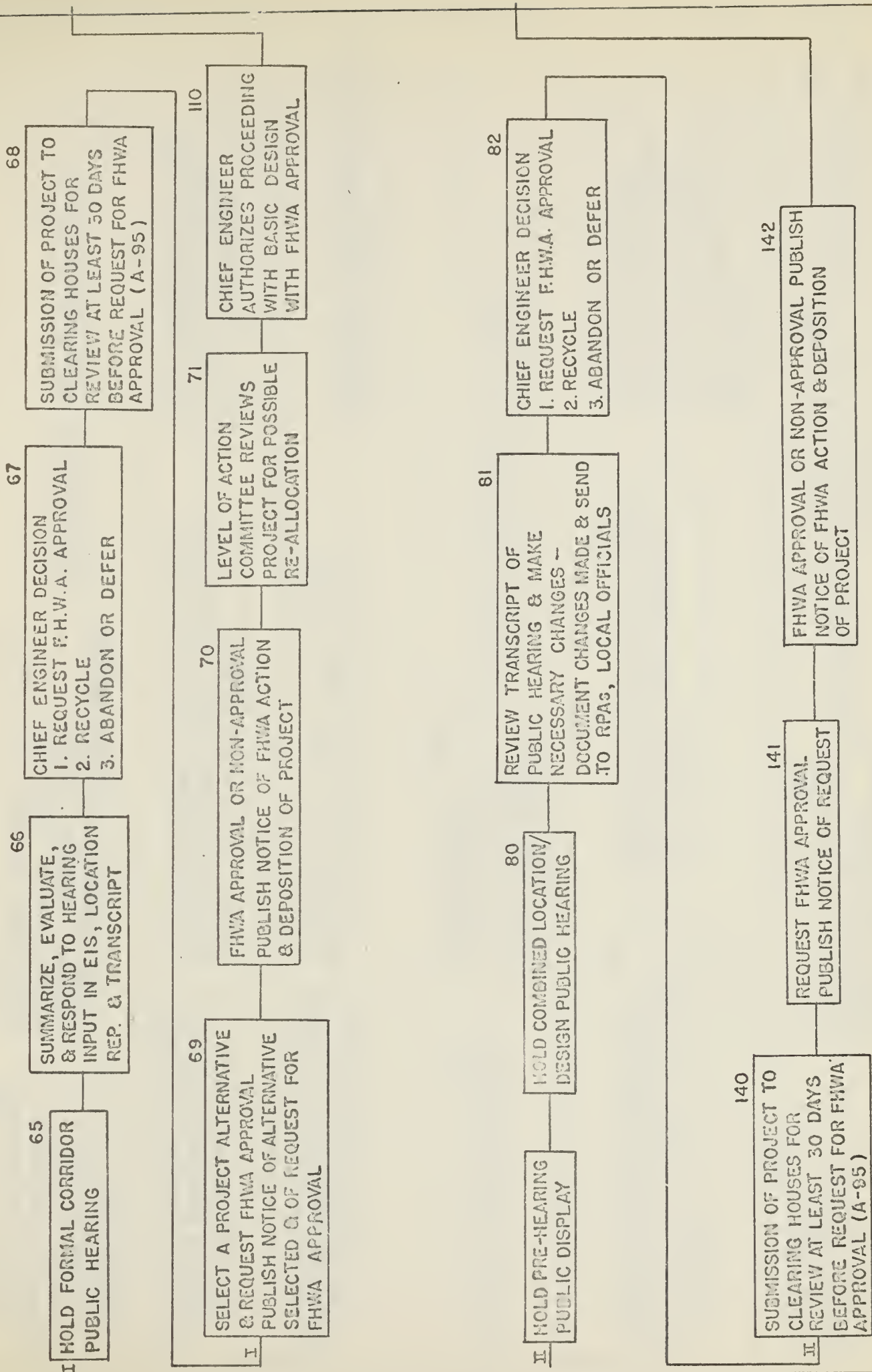
PROJECT DEVELOPMENT PHASE

(10)



PROJECT DEVELOPMENT PHASE





65

I HOLD FORMAL CORRIDOR
PUBLIC HEARING

66

SUMMARIZE, EVALUATE,
& RESPOND TO HEARING
INPUT IN EIS, LOCATION
REP. & TRANSCRIPT

67

CHIEF ENGINEER DECISION
1. REQUEST F.H.W.A. APPROVAL
2. RECYCLE
3. ABANDON OR DEFER

68

SUBMISSION OF PROJECT TO
CLEARING HOUSES FOR
REVIEW AT LEAST 30 DAYS
BEFORE REQUEST FOR FHWA
APPROVAL (A-95)

69

I SELECT A PROJECT ALTERNATIVE
& REQUEST FHWA APPROVAL
PUBLISH NOTICE OF ALTERNATIVE
SELECTED & OF REQUEST FOR
FHWA APPROVAL

70

FHWA APPROVAL OR NON-APPROVAL
PUBLISH NOTICE OF FHWA ACTION
& DEPOSITION OF PROJECT

71

LEVEL OF ACTION
COMMITTEE REVIEWS
PROJECT FOR POSSIBLE
RE-ALLOCATION

110

CHIEF ENGINEER
AUTHORIZES PROCEEDING
WITH BASIC DESIGN
WITH FHWA APPROVAL

80

II HOLD PRE-HEARING
PUBLIC DISPLAY

81

REVIEW TRANSCRIPT OF
PUBLIC HEARING & MAKE
NECESSARY CHANGES -
DOCUMENT CHANGES MADE & SEND
TO RPAs, LOCAL OFFICIALS

82

CHIEF ENGINEER DECISION
1. REQUEST F.H.W.A. APPROVAL
2. RECYCLE
3. ABANDON OR DEFER

140

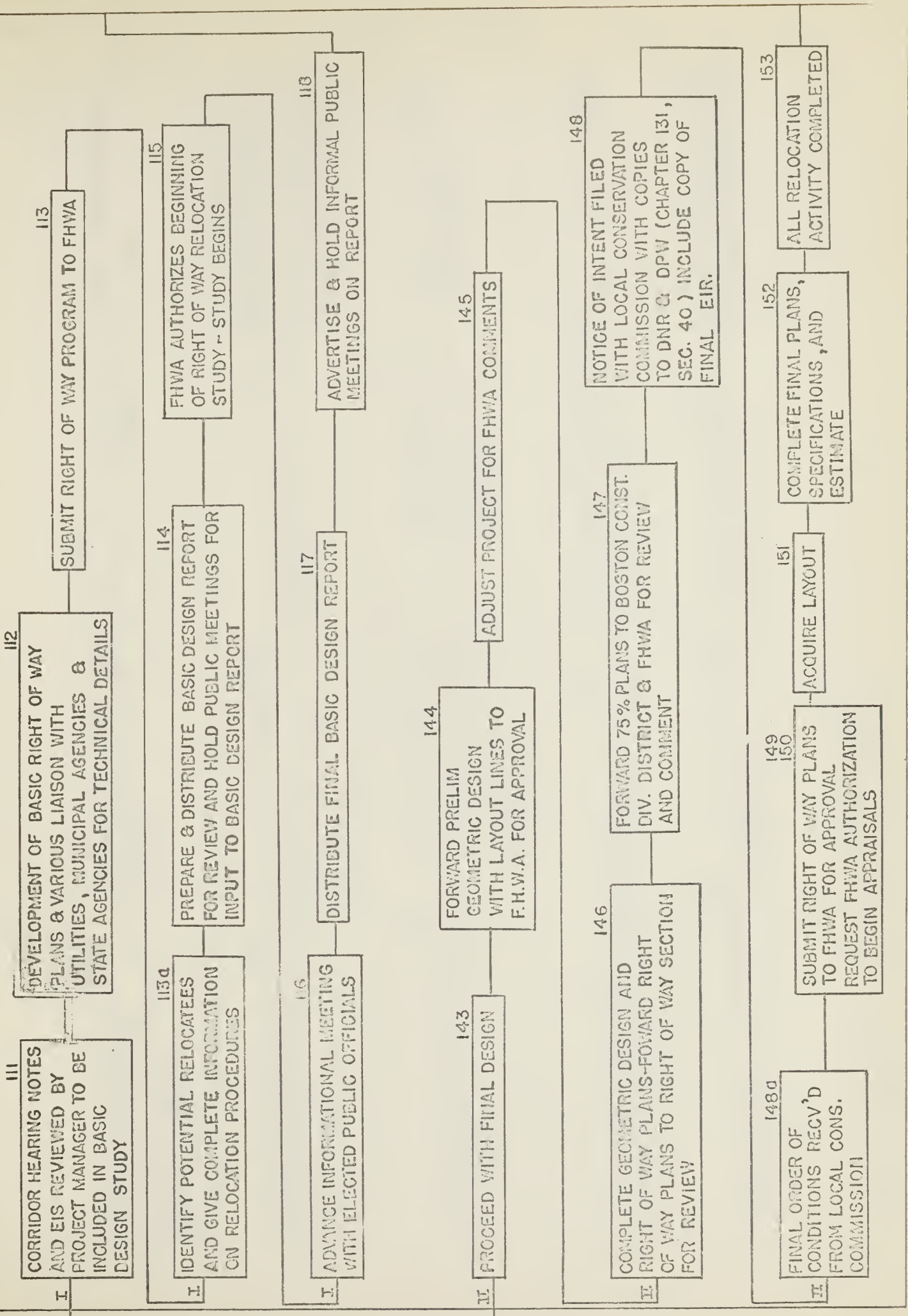
II SUBMISSION OF PROJECT TO
CLEARING HOUSES FOR
REVIEW AT LEAST 30 DAYS
BEFORE REQUEST FOR FHWA
APPROVAL (A-95)

141

REQUEST FHWA APPROVAL.
PUBLISH NOTICE OF REQUEST

142

FHWA APPROVAL OR NON-APPROVAL PUBLISH
NOTICE OF FHWA ACTION & DEPOSITION
OF PROJECT



111

CORRIDOR HEARING NOTES AND EIS REVIEWED BY PROJECT MANAGER TO BE INCLUDED IN BASIC DESIGN STUDY

112

DEVELOPMENT OF BASIC RIGHT OF WAY PLANS & VARIOUS LIAISON WITH UTILITIES, MUNICIPAL AGENCIES & STATE AGENCIES FOR TECHNICAL DETAILS

113

SUBMIT RIGHT OF WAY PROGRAM TO FHWA

113d

IDENTIFY POTENTIAL RELOCATEES AND GIVE COMPLETE INFORMATION ON RELOCATION PROCEDURES

114

PREPARE & DISTRIBUTE BASIC DESIGN REPORT FOR REVIEW AND HOLD PUBLIC MEETINGS FOR INPUT TO BASIC DESIGN REPORT

115

FHWA AUTHORIZES BEGINNING OF RIGHT OF WAY RELOCATION STUDY - STUDY BEGINS

116

ADVANCE INFORMATIONAL MEETING WITH ELECTED PUBLIC OFFICIALS

117

DISTRIBUTE FINAL BASIC DESIGN REPORT

118

ADVERTISE & HOLD INFORMAL PUBLIC MEETINGS ON REPORT

143

PROCEED WITH FINAL DESIGN

144

FORWARD PRELIM GEOMETRIC DESIGN WITH LAYOUT LINES TO F.H.W.A. FOR APPROVAL

145

ADJUST PROJECT FOR FHWA COMMENTS

146

COMPLETE GEOMETRIC DESIGN AND RIGHT OF WAY PLANS-FORWARD RIGHT OF WAY PLANS TO RIGHT OF WAY SECTION FOR REVIEW

147

FORWARD 75% PLANS TO BOSTON CONST. DIV. DISTRICT & FHWA FOR REVIEW AND COMMENT

148

NOTICE OF INTENT FILED WITH LOCAL CONSERVATION COMMISSION WITH COPIES TO DNR & DPW (CHAPTER 131, SEC. 40) INCLUDE COPY OF FINAL EIR.

148d

FINAL ORDER OF CONDITIONS RECV'D FROM LOCAL CONS. COMMISSION

149

SUBMIT RIGHT OF WAY PLANS TO FHWA FOR APPROVAL

150

REQUEST FHWA AUTHORIZATION TO BEGIN APPRAISALS

151

ACQUIRE LAYOUT

152

COMPLETE FINAL PLANS, SPECIFICATIONS, AND ESTIMATE

153

ALL RELOCATION ACTIVITY COMPLETED



119

REVIEW AND ACKNOWLEDGE ALL COMMENTS ON REPORT AND DISTRIBUTE COPIES OF ACTION TAKEN ON COMMENTS

120

FORWARD BASIC DESIGN REPORT TO FHWA FOR APPROVAL PUBLISH NOTICE OF REQUEST

121

BASIC DESIGN. APPROVAL NON-APPROVAL BY FHWA

122

PROCEED WITH FINAL DESIGN PHASE ADVISE LOCAL COMMUNITY OF PROJECT STATUS

123

FORWARD PRELIM. GEOMETRIC DESIGN WITH LAYOUT LINES TO FHWA FOR APPROVAL

125

COMPLETE GEOMETRIC DESIGN & PRELIM. RIGHT OF WAY PLANS - FORWARD RIGHT OF WAY PLANS TO RIGHT OF WAY SECTION FOR REVIEW

124

ADJUST PROJECT FOR FHWA COMMENT

126

FORWARD 75% PLANS TO BOSTON CONST. DIV. DISTRICT & FHWA FOR REVIEW AND COMMENT

127

NOTICE OF INTENT FILED WITH LOCAL CONSERVATION COMMISSION WITH COPIES TO DNR & DPW (CHAPTER 131, SEC. 40) INCLUDE COPY OF FINAL EIR.

127a

FINAL ORDER OF CONDITIONS RECV'D FROM LOCAL CONS. COMMISSION

128

PREPARE LAYOUT PLANS & DESCRIPTIONS

129

SUBMIT RIGHT OF WAY PLANS TO FHWA FOR APPROVAL

130

REQ. & REC. FHWA AUTHORIZATION FOR APPRAISALS

131

REQUEST RELOCATION PLAN APPROVAL AND ACQUISITION APPROVAL FROM FHWA. RECEIVE SAME

132

ACQUIRE LAYOUT

133

COMPLETE FINAL PLANS, SPECIFICATIONS AND ESTIMATE

134

ALL RELOCATION ACTIVITY COMPLETED

135

REQUEST AND RECEIVE FHWA P.S.E. APPROVAL

136

ADVERTISE PROJECT FOR BIDS BIDS OPENED, PROJECT AWARDED

154

REQUEST AND RECEIVE FHWA P.S.E. APPROVAL

155

ADVERTISE PROJECT FOR BIDS BIDS OPENED, PROJECT AWARDED

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TYPICAL AGREEMENT

AGREEMENT BETWEEN

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS

and

(NAME)

This agreement made this (date) by and between the Department of Public Works of the Commonwealth of Massachusetts, and (name), an individual residing at (address), Massachusetts.

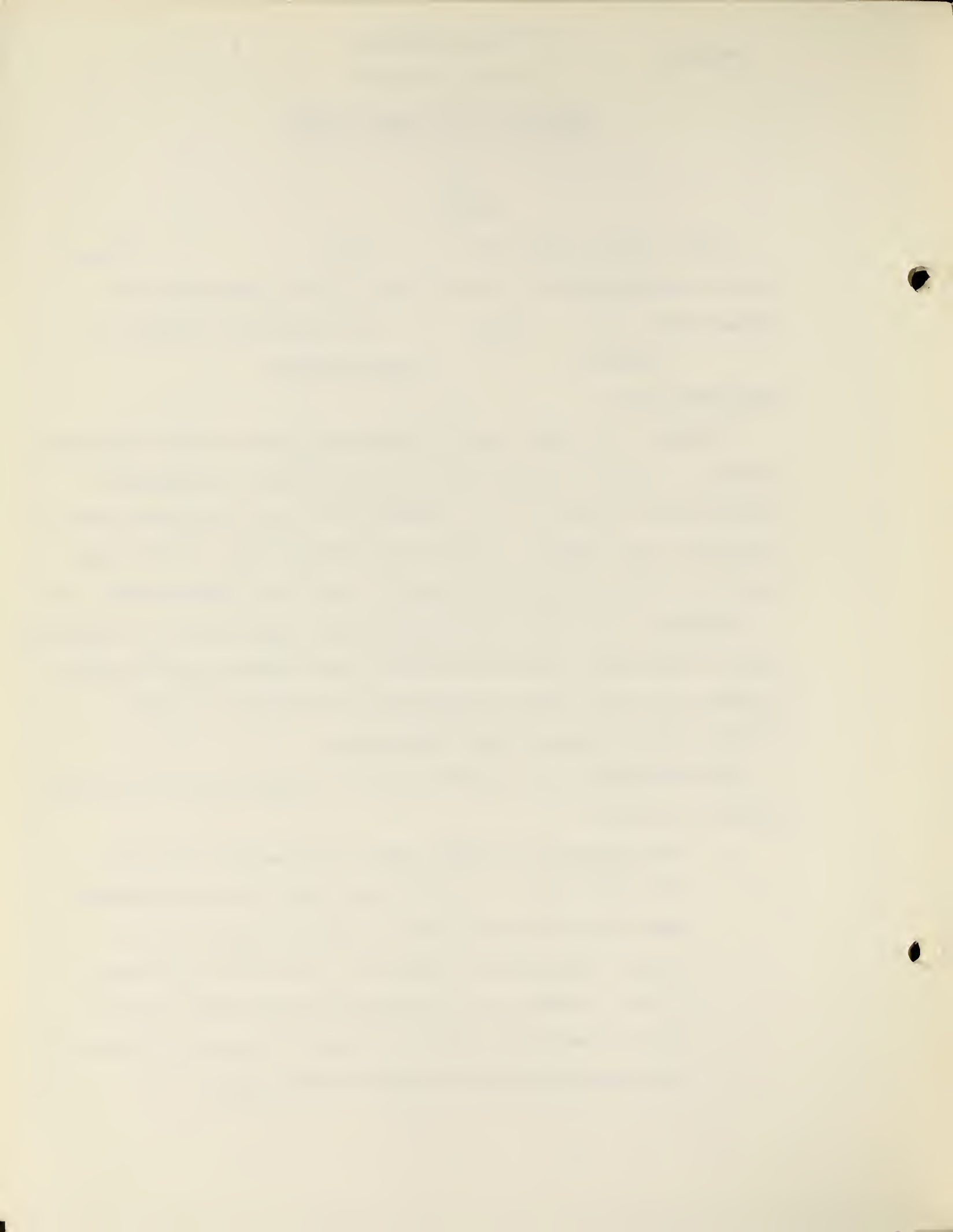
WITNESSETH THAT:

WHEREAS, it is the clearly enunciated policy of His Excellency Francis W. Sargent, Governor of the Commonwealth, to achieve a transportation system for the Commonwealth that is balanced and in all other ways conducive to the well-being not only of its users but of all other people and interests within the Commonwealth; and

WHEREAS, in furtherance of this policy objective it is necessary that the Department develop guidelines and undertake certain work to insure that the highway transportation projects will have minimum adverse affect on the environment;

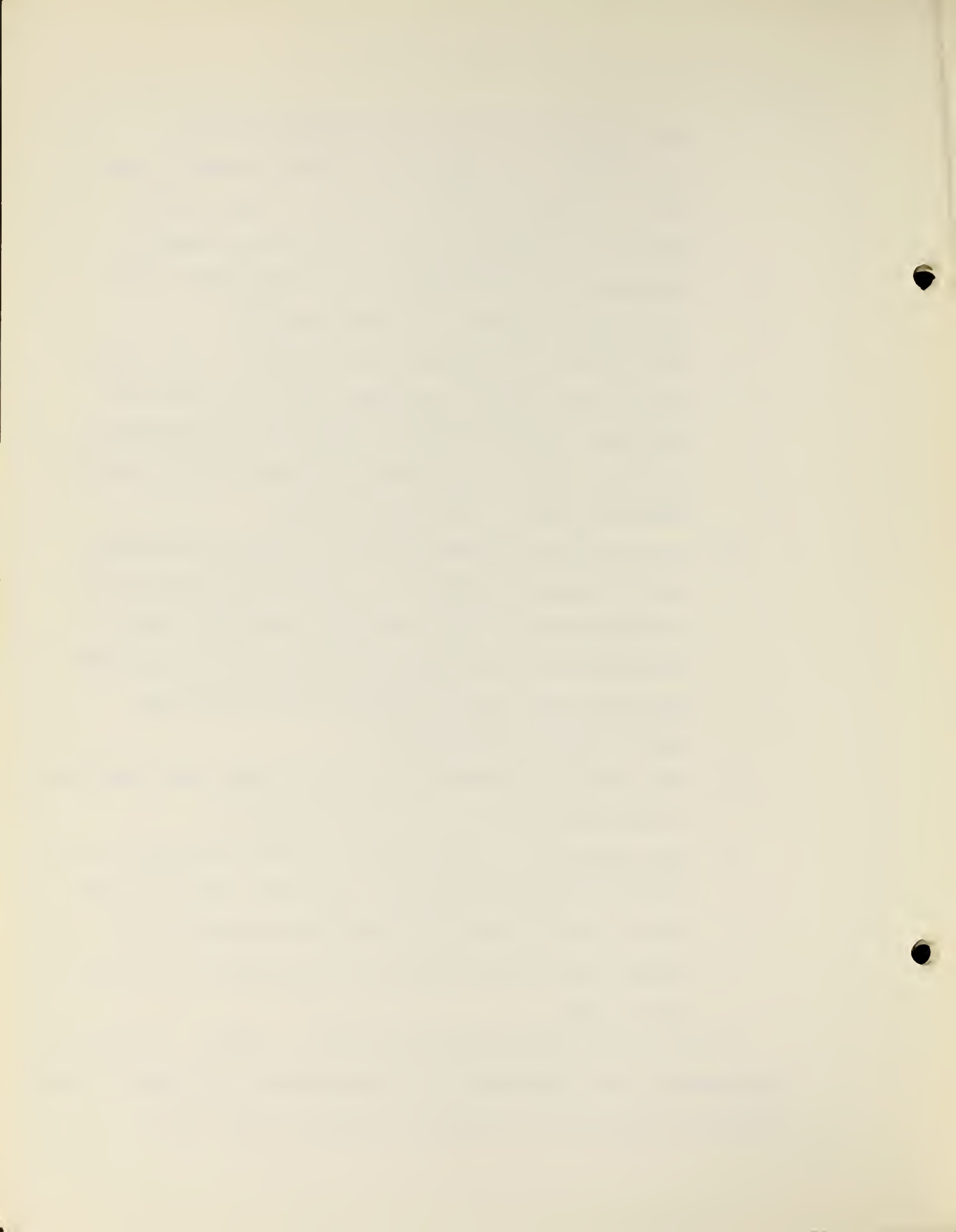
NOW THEREFORE, it is hereby agreed by and between the parties hereto as follows:

1. The Department of Public Works will engage a liaison environmentalist to work closely with the environmental committee of the Department of Public Works and any future environmental section or unit of the Department of Public Works in the development of highway projects, from the beginning stages of location planning throughout the planning process and final design stage.



2. The liaison environmentalist will work closely with the Boston Transportation Planning Review in the case of projects within the Route 128 area and with community and regional groups and planning agencies throughout the Commonwealth in the development of the environmental aspects of highway projects.
3. The liaison environmentalist will advise in the preparation of environmental statements that will enable the Department of Public Works to assess the environmental impact not only on the community through which a project passes but also on the region as well.
4. The liaison environmentalist will review environmental impact statements prepared by consulting engineers for the Department of Public Works and advise the DPW and the Secretary of Environmental Affairs as to their adequacy for use at public hearings and whether they satisfy Federal requirements.
5. The liaison environmentalist will be under the supervision of the Secretary for Environmental Affairs.
6. The Department of Public Works will make available to the liaison environmentalist all plans both long and short range to the liaison environmentalist together with scheduling of priorities and all information necessary for his use.

For the above mentioned services said (name) shall be compensated by the Commonwealth of Massachusetts with payments made monthly on the basis of statements rendered at the rate of



per day for salary; plus expenses, which are essential to his work at a cost not to exceed _____ per month. Expenses for out of state travel must receive prior Department approval.

The term of this contract shall be for a period of (date) _____ through _____ (date)

It is understood and agreed that said (name) is subject to all the terms and provisions of Chapter 779 of the Acts of nineteen hundred and sixty-two: "an act regulating the activities of State, County and Municipal employees and establishing a code of ethics for State employees".

It is understood and agreed that this contract shall be subject to cancellation upon thirty (30) days written notice from either party to the other without liability.

All materials and data furnished to said (name) by the Commonwealth or otherwise obtained or prepared under the terms of this contract shall remain the property of the Commonwealth and shall be delivered to the Department upon completion of this contract.

Said (name) warrants that he has not employed or retained any person or company to solicit or secure this contract and that he has not paid or agreed to pay any company or person any fee, commission, percentage, brokerage fee, gifts or any consideration upon or resulting from the awarding of this contract.

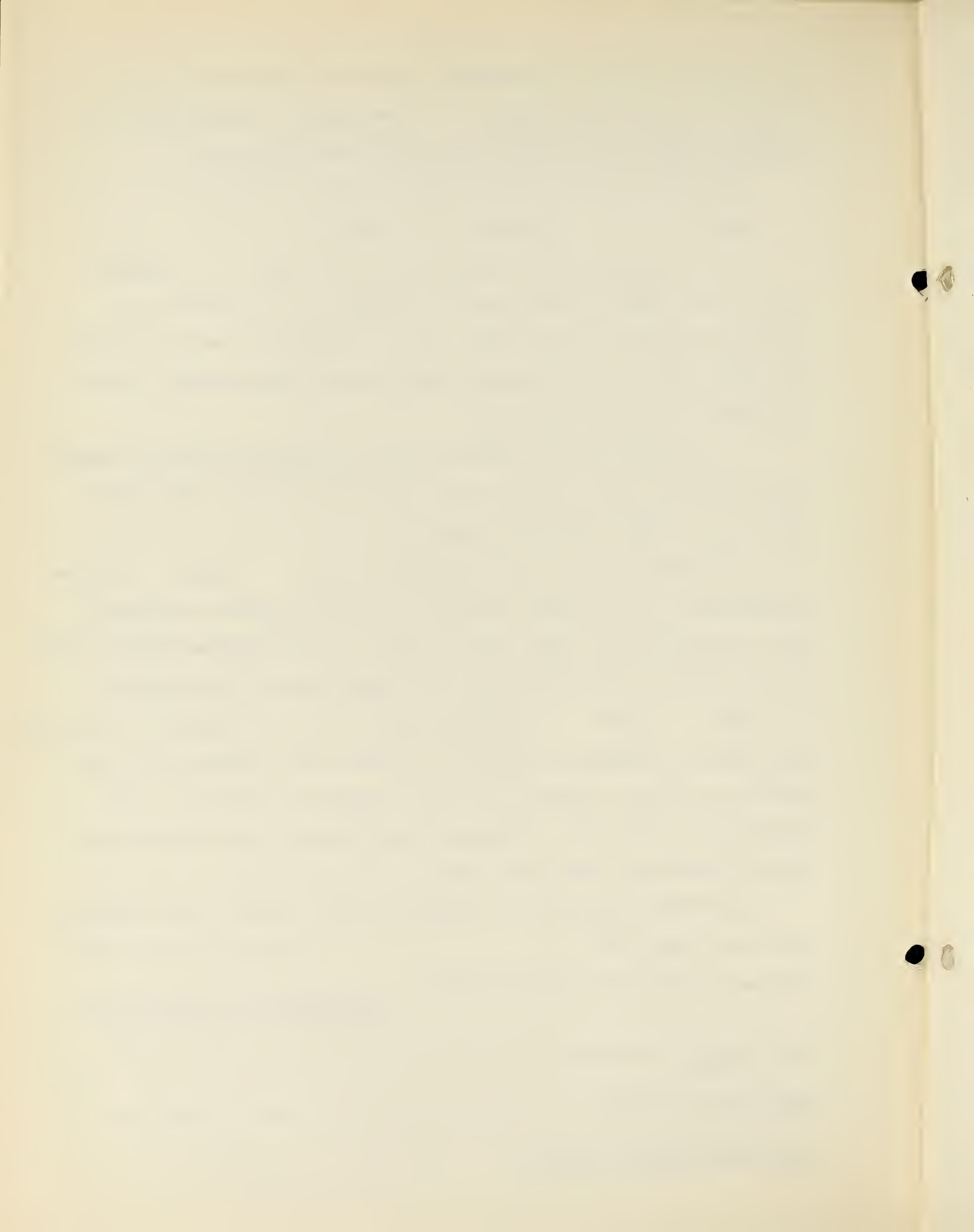
IN WITNESS WHEREOF, the parties of this contract have hereunto set their hands this _____ in the year of Our Lord nineteen hundred and seventy-three.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS

(Name)

Approved as to form:

Assistant Attorney General



APPENDIX D

MEMORANDUM OF UNDERSTANDING RELATING TO THE
COMPREHENSIVE, CONTINUING, COOPERATIVE TRANSPORTATION
PLANNING PROCESS IN THE BERKSHIRE COUNTY REGIONAL PLANNING AREA

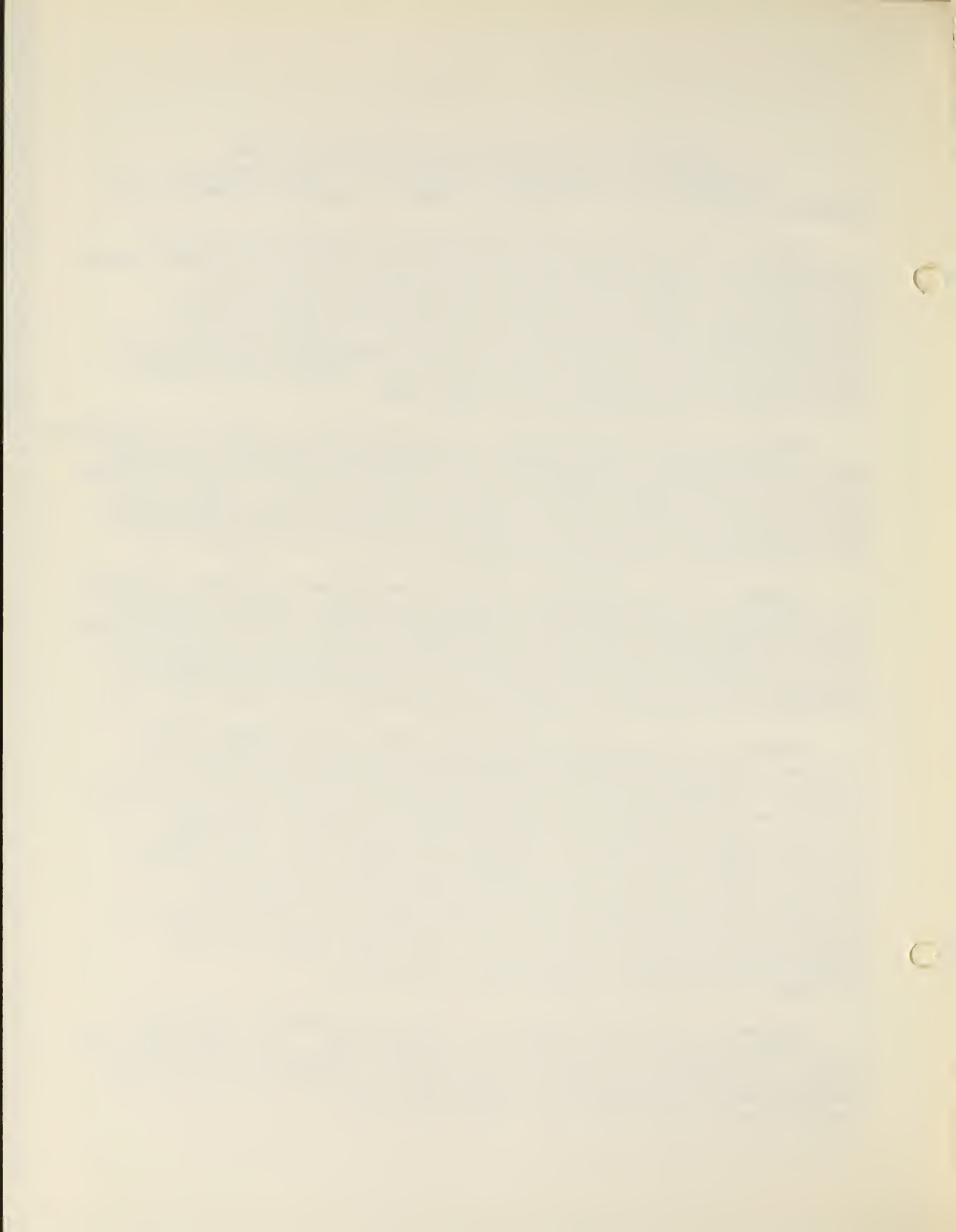
Whereas, the Office of the Secretary of Transportation and Construction of the Commonwealth of Massachusetts (hereinafter called the Secretary), the Massachusetts Department of Public Works (hereinafter called the Department, and the U.S. Department of Transportation wish to broaden the scope and to substantially rejuvenate the comprehensive continuing, cooperative transportation planning process required by Title 23 U.S.C., Section 134 enacted in the Federal Aid Highway Act of 1962; and

Whereas, it is the intention of the Secretary, acting in cooperation with the Department, to establish a new planning process, involving fullest possible participation by local communities to guide decision-making and to implement the Governor of Massachusetts' objective of open participatory planning for balanced transportation development for all modes of transportation--auto, bus, air, and water; and

Whereas, it is recognized that the development of such a process will require the participation of State agencies, local governments, private institutions and other appropriate groups in the establishment of the appropriate organizational framework and in the development, analysis, adoption and implementation of transportation plans and proposals as required by Federal and State law and regulations; and

Whereas, it is further understood that the Berkshire County Regional Planning Commission (hereinafter called BCRPC) has the statutory responsibility for comprehensive regional planning in the thirty-two (32) community Berkshire County Planning District, and as such has responsibility for comprehensive planning, including transportation planning, as defined in Chapter 40B of the General Laws; and that it also has responsibility for review procedures required under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, as outlined in the Office of Management and Budget Circular A-95, and under Title I of the National Environmental Policy Act of 1969; and

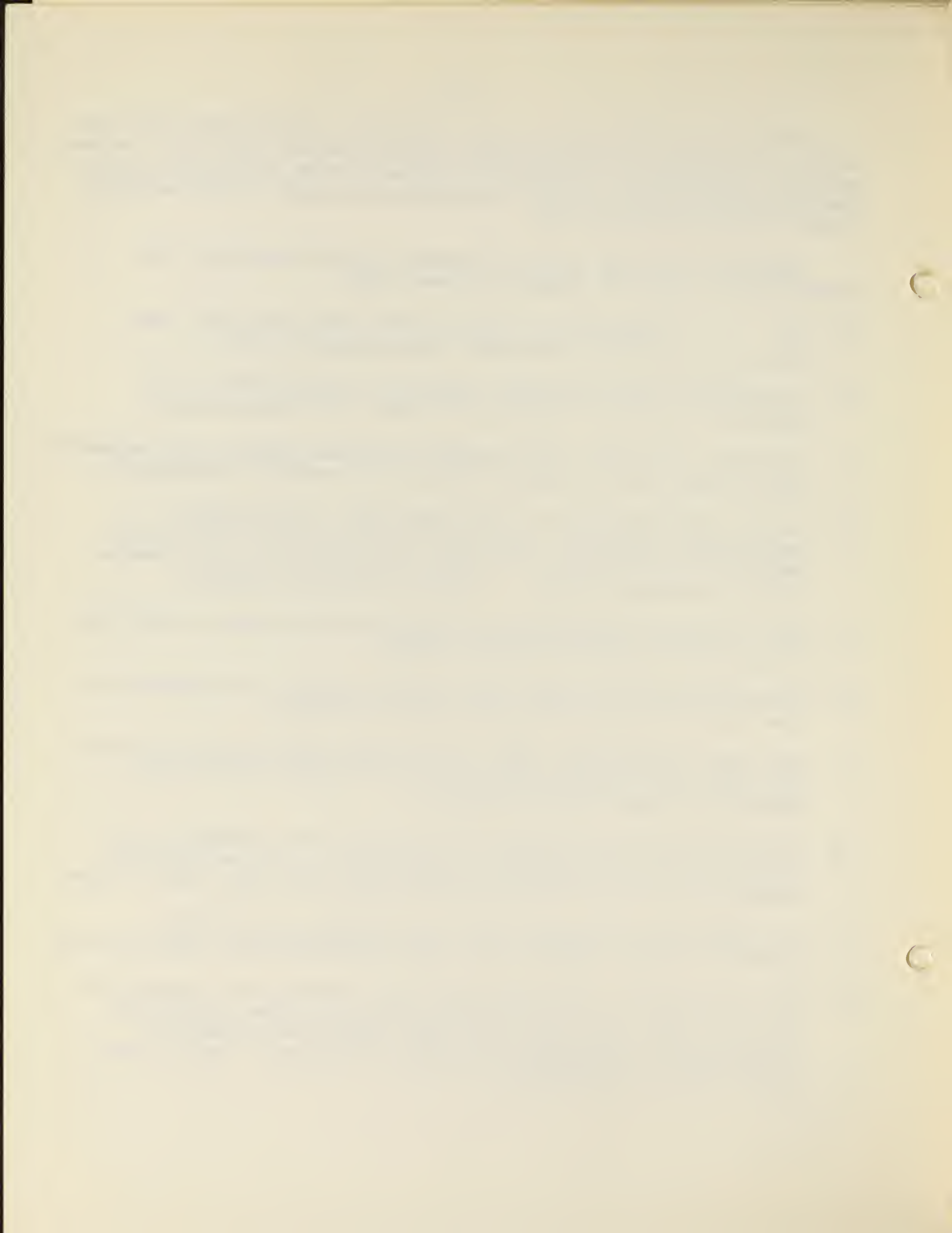
Whereas, the establishment of joint, cooperative planning procedures involving the office of the Secretary, the Department and BCRPC is necessary to achieve a continuing transportation planning process that is reflective of both Federal and State policies and responsive to local goals and objectives; and



Whereas, the basic goal of the Secretary, the Department and the BCRPC is to create a transportation planning process which will achieve balanced transportation through the implementation of mutually reached decisions and jointly endorsed transportation plans for the Berkshire County Planning District, and

Whereas, it is the further objective of the Secretary, the Department and BCRPC to create a process that;

1. is responsive to those at the State and local level who have authority to implement transportation plans;
2. is oriented toward resolving issues and controversies, and provides a forum for consensus-building and dispute-airing;
3. includes a technical arm to support decision-making while emphasizing the key role of elected officials in reaching decisions;
4. centers responsibility for developing and, as necessary, periodically revising a long range transportation plan giving emphasis to priorities and means of implementation and covering all the Berkshire County Regional Planning District;
5. will integrate transportation modes more effectively so that the process is a balanced planning effort;
6. recognizes both the short and long term impacts of proposals on the overall transportation plan for the region;
7. has wide and effective public and private participation at both municipal and regional levels without diluting the ultimate capacity to take decisive action;
8. is perceived by participants and reviewers as a dynamic, not a static, process--one shaped in large part by the participants themselves with variations between regions and from time to time;
9. is effectively integrated into the structure of proposed regional transit agencies, and other transportation entities; and
10. will provide for the formulation of a unified work program for the development of transportation plans and other continuing transportation planning activities, within the context of comprehensive development planning at the local, regional and State levels of government;

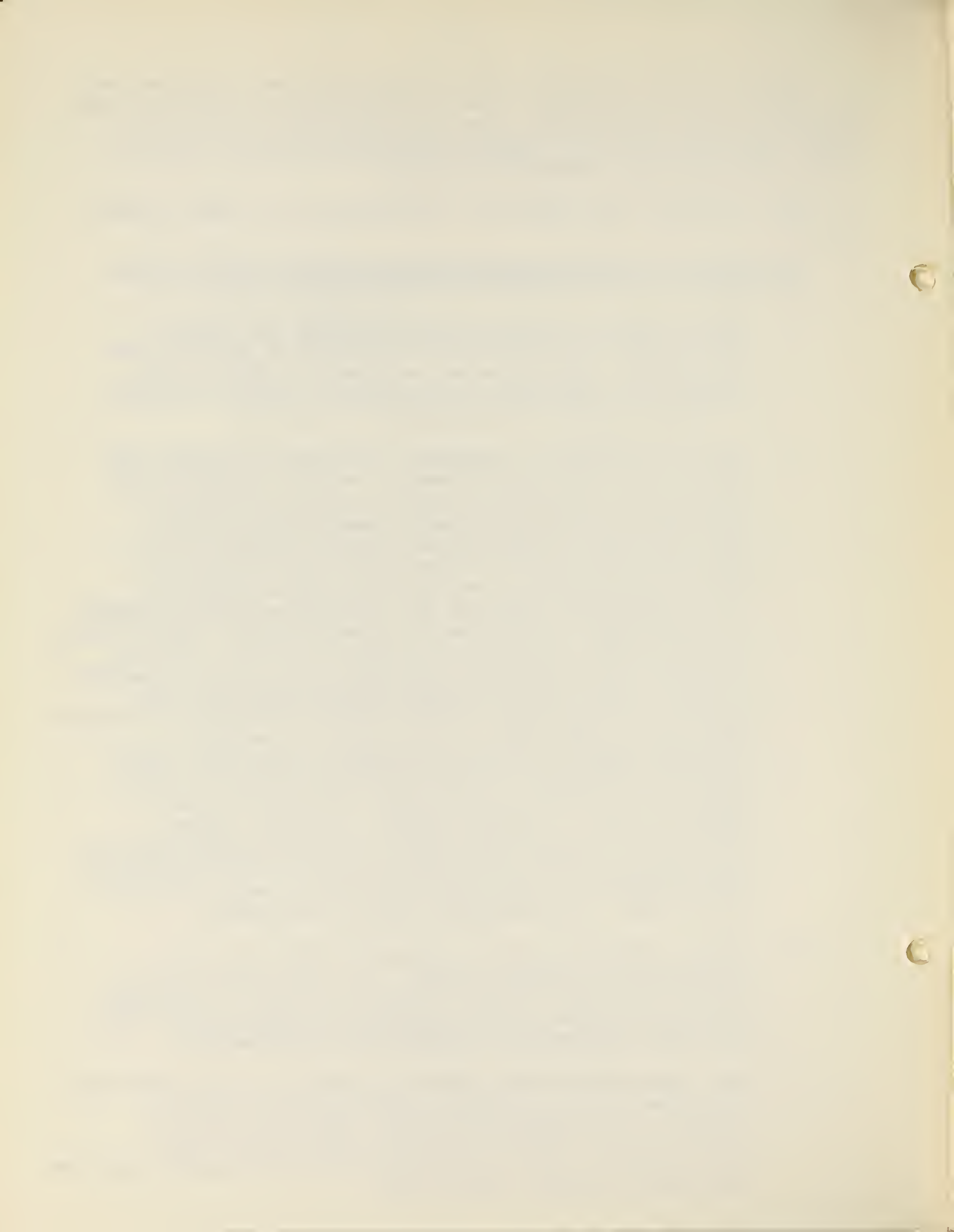


Whereas, it is recognized that to accomplish the objectives set out above it will be necessary to establish a special committee, whose composition and organizational form must explicitly recognize the unique responsibilities for planning and decision-making that the State, BCRPC and local communities possess;

Now, therefore, the Secretary, the Department and BCRPC jointly agree:

I To establish a Berkshire County Transportation Advisory Group (hereinafter called the Advisory Group) which will:

1. Ensure that the planning process be open and broadly participatory, so as to be as consistent as possible with the policies, priorities and proposals of BCRPC, local communities, responsible State agencies and the interests of private groups and individuals in the area.
2. Assist to develop an evaluation structure to provide the BCRPC, state and local officials, and the citizenry with procedures for evaluating public investment proposals affecting the Berkshire County transportation system. The evaluation structure shall include relevancy of a proposal to the welfare of the county and its citizens, shall be developed in terms that are understandable to lay citizenry and executive and legislative decision-makers as to the BCPPC, shall take into consideration current values as well as being responsive to changing values, shall be compatible with evaluation procedures used by the Department of Public Works and the Federal Highway Administration, and shall be applicable to alternatives (including "no-build" alternatives) developed for the region as well as to proposals made by the local citizenry, localities, state and federal agencies. The evaluation procedures shall be capable of dealing with trade-offs among environmental impacts as well as between impacts on social against environmental systems, be capable of dealing with questions of equity as well as questions of economic efficiency, and will be oriented toward addressing major issues of concern to the BCRPC, the Secretariat and the Department.
3. Become a forum for, and an operational arm of, the transportation planning process. It will deal with substantive matters of mutual interest and make its advisory opinions available to the Secretary, the Department, BCRPC, and other organizations represented as appropriate.
4. Have responsibility for advising on basic policies governing the conduct of the continuing transportation planning process in the Berkshire District, identifying policy differences and reconciling conflicting values among participants so that the planning process may produce the most desirable and timely overall plan.



5. Where possible, advisory positions will be agreed upon and issues resolved by consensus of the Advisory Group. Where basic disagreements occur which cannot be reconciled by the Advisory Group, the Secretary, the Departments and BCRPC will be advised of this situation so that they can give the Advisory Group additional guidance or take other appropriate action.

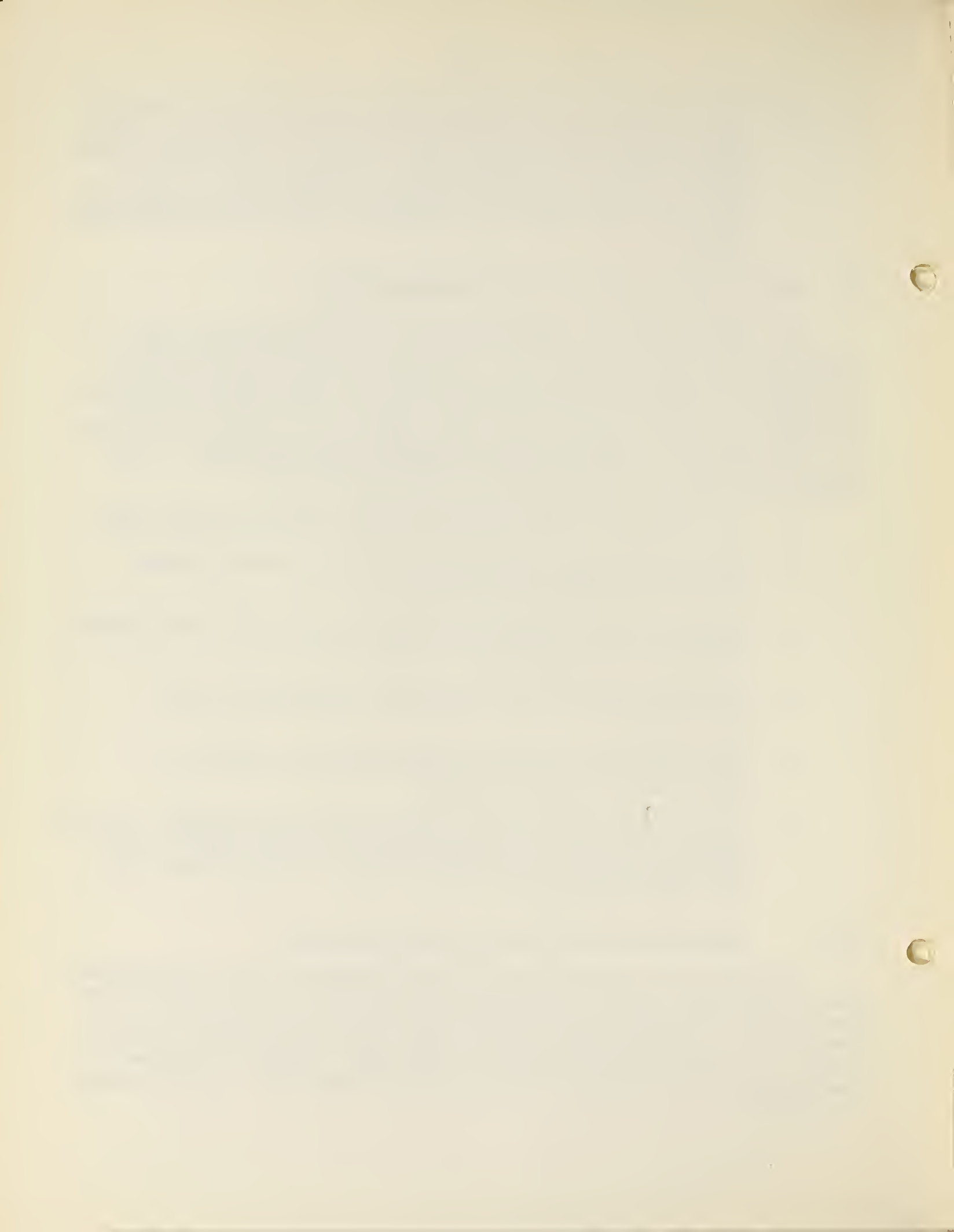
II Concerning Membership of the Advisory Group

As a general policy, membership of the Advisory Group will be inclusive rather than exclusive. So that it can properly meet the responsibilities described above, and execute those outlined below, the Advisory Group should be limited in size to facilitate discussion and decision-making; however, it must also be fully representative of BCRPC, the State agencies and local communities having an interest in, or affected by, projects and proposals under discussion. Its membership shall be drawn from the following sources:

1. All members of the Citizens Advisory Council of the BCRPC
2. Representatives of the Board of Commissioners of BCRPC appointed by the Commissioners.
3. Representatives of the Department, appointed by the Commissioner of the Department.
4. A representative of the Secretary, appointed by the Secretary.
5. Representatives of other State agencies invited, as appropriate by the Secretary.
6. Representatives of public and private institutions, consumer groups and associations appointed by either BCRPC or the Secretary and the Department acting in consultation with the other signatory.

III. Concerning Function of the Advisory Group

Following the execution of this memorandum and the establishment of the Advisory Group, an Operations Plan defining the scope of work and working relationships among all parties will be prepared by the Department and BCRPC staff, working with the advice of the Advisory Group. The Operations Plan will be reviewed, revised as necessary and submitted for adoption annually by the Secretary, the Department and BCRPC.



It will be the function of the Advisory Group to advise on the conduct of the work set out in the operations plan after its adoption and approval.

The Operations Plan will be drawn up in conformance with the objectives for the transportation planning process described in this memorandum. It will include an integrated work program for all modes of transportation developed by BCRPC and the Department and will be used to seek Federal support on that basis, in conformance with Secretary John Volpe's "Guidelines for D.O.T. Intermodal Planning Groups in the Field". As specified in Item III B of that August 1971 directive:

"A unified transportation planning program should be sought from the recipient agency or agencies within the metropolitan area, resulting in the preparation of a single annual planning program of work for the area to serve as the basis for application of Federal funds."

The Operations Plan will also respond to the guidelines set out in Federal Highway Administration Instructional Memorandum 5--4-68, "Operations Plans for 'Continuing' Urban Transportation Planning." As specified in that document, the Operations Plan will contain:

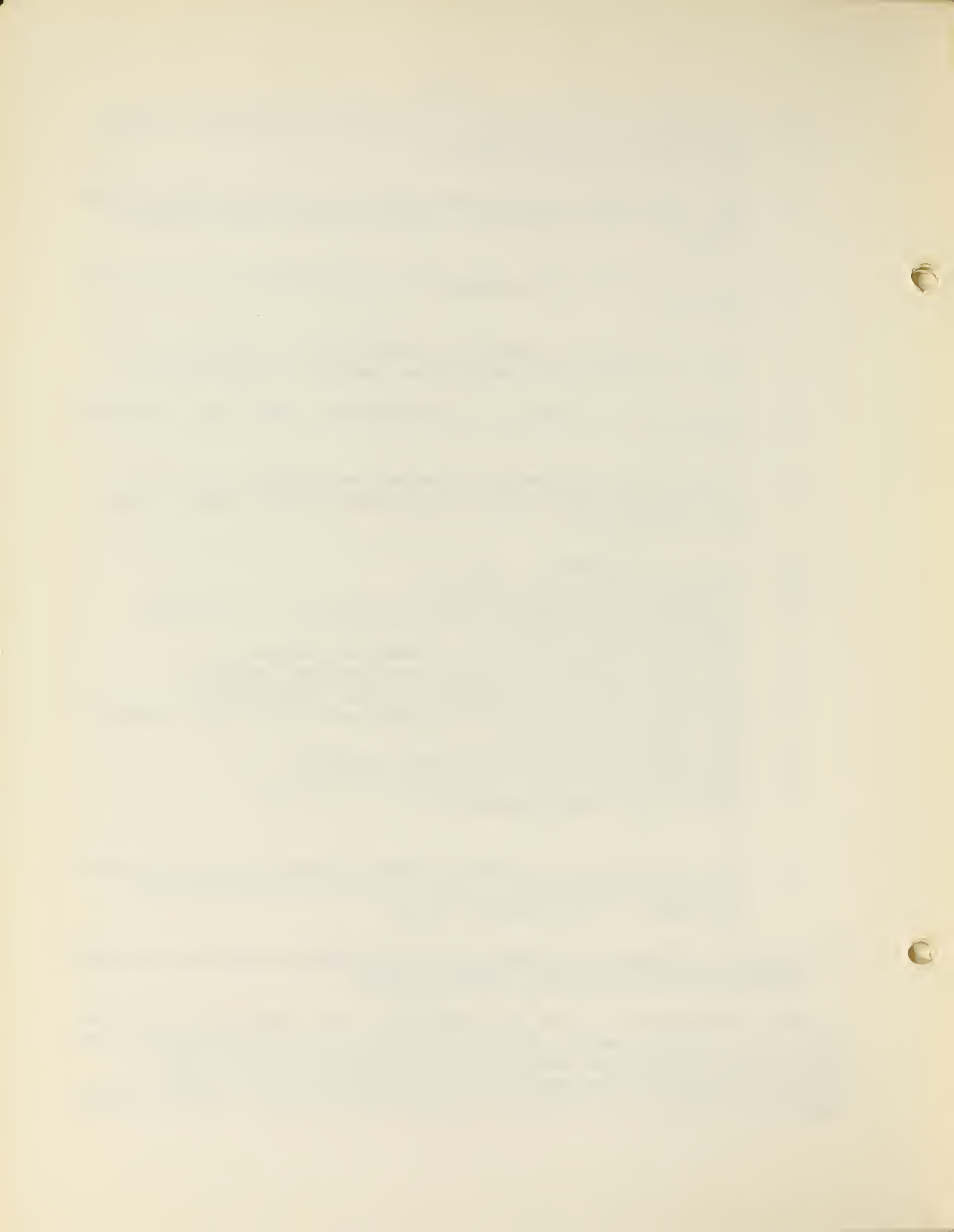
- a. An outline of the organizational structure for performing continuing planning, including related committees.
- b. An outline of the scope of the continuing planning process with a breakdown of the functional and financial responsibilities of all participating agencies.
- c. A description of the surveillance methodology to be employed in identifying changes in land development and travel demand, including assignment of responsibility for providing inputs to the various models.
- d. A description of the land use and travel forecasting procedures to be utilized, including specific information required for the various analyses.
- e. A description of any work remaining to be completed on the ten basic elements (PPM 50-9 paragraph 5) including a schedule for completion of the work.

In addition to responding to Federal planning requirements the Operations Plan will emphasize those actions needed to accomplish the Governor's objective of a balanced transportation policy including:

1. Development of mechanisms for obtaining effective citizen participation at all phases.
2. The definition of responsibilities to include those dealing with technical procedures, policy guidance and decision-making.
3. The development and application of comprehensive evaluation methods.
4. The provision of technical assistance to interested local private groups and communities, insofar as practicable.
5. Concern for all modes of transportation and their integrated planning.
6. A reasonable allocation of resources between long term planning and short term planning activities such as, but not limited to:
 - a. Holding workshops
 - b. Briefing of elected officials
 - c. Creating and assisting task forces to work on special problems in the region
 - d. Conducting legal and administrative planning
 - e. Assisting in holding public meetings and hearings
 - f. Helping prepare environmental impact statements
 - g. Carrying out special studies such as airport location and rail corridor studies
 - h. Assisting in setting up transit agencies
 - i. Working on specific transportation facility location and design problems
7. The definition of fiscal policies directed to the implementation of the balanced transportation system proposals developed at the regional level.

IV. Concerning Responsibilities of the Secretary, the Department and BCRPC in Relation to the Advisory Group

The responsibilities of the Secretary, the Department and BCRPC will be to ensure that the policy interests of all participants are effectively represented and that all important actions of the Advisory Group have the amount of involvement of key elected and appointed officials necessary to assure the success of this process.



Accordingly, BCRPC, the Secretary and the Department agree to:

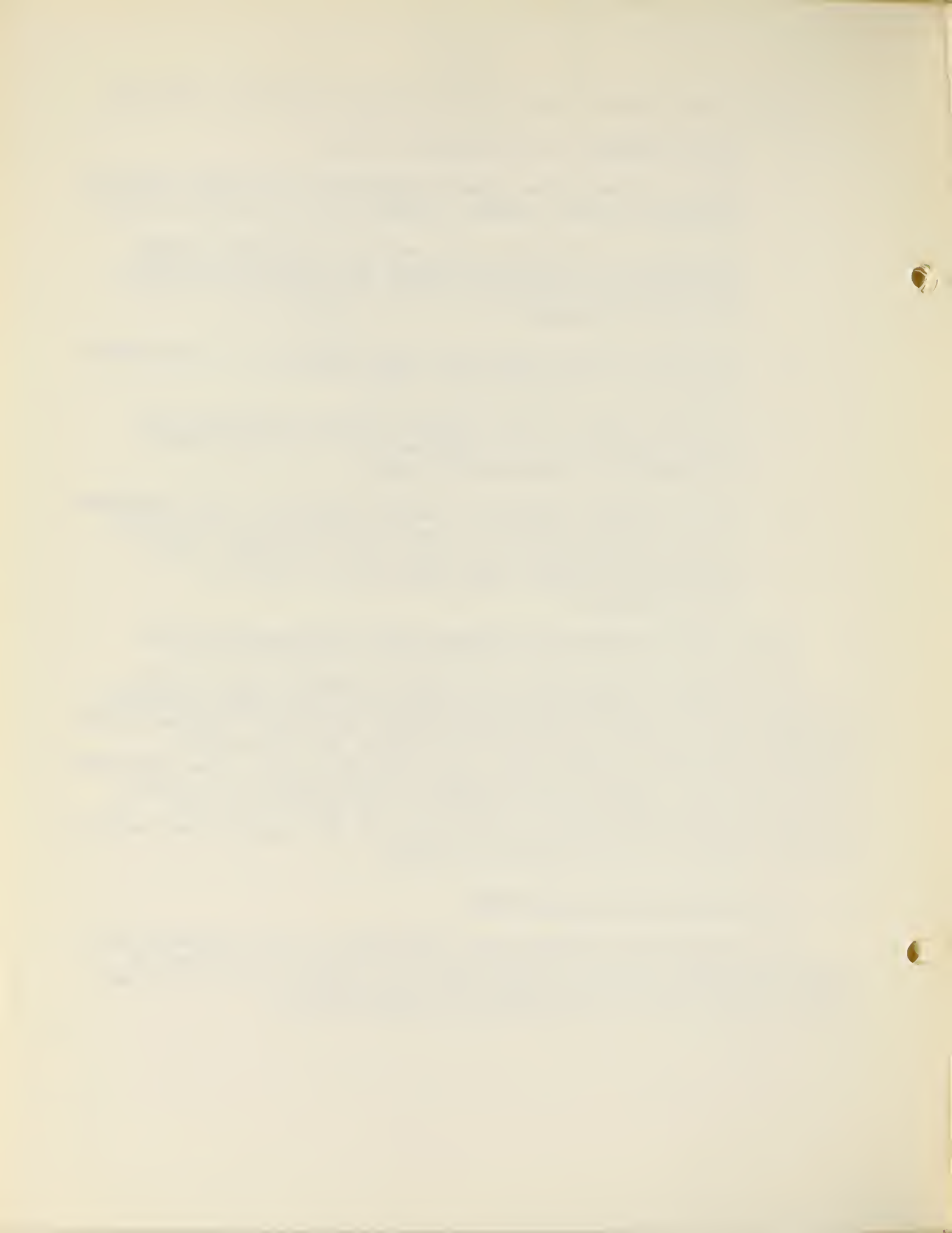
1. Appoint members to the Advisory Group;
2. Review and adopt the annual Operations Plan which sets the framework for the ongoing transportation planning process;
3. Recognize the Advisory Group and the mechanisms herein established as the primary means for reaching agreement and resolving differences on all transportation matters of mutual interests;
4. Cooperative work toward the joint adoption of a regionwide comprehensive transportation plan;
5. Recognize BCRPC as the Regional agency having primary responsibility for the preparation of the regionwide comprehensive transportation plan;
6. Provide policy guidance to their respective representatives on the Advisory Group so that when consensus is reached it will be consistent with the views of BCRPC, local communities and the State and thus be capable of implementation.

V. Concerning Resources for Carrying Out the Operations Plan

It is further agreed that in order to implement the agreed Operations Plan, the Secretary, the Department and BCRPC recognize the need and desirability for establishing additional transportation planning capability within BCRPC, and within the Department. Consistent with the provisions of the Operations Plan, the Department will negotiate a contract with BCRPC for performance of specific services and implementation of parts of the Operations plan. It is anticipated that the Operations Plan and the contract for services will be reviewed and re-executed annually.

VI. Concerning Mutual Cooperation

The undersigned recognize the complexity of the transportation planning process and will ensure that all personnel involved in their jurisdiction will cooperate fully in carrying out the intent and provisions of this Memorandum of Understanding.



VII. Concerning Municipal Recognition of this Agreement

The undersigned recognize the necessity of the municipalities of the Berkshire County Regional Planning District being fully informed of the purposes, objectives and functions of the Advisory Committee, and their being aware of the opportunities for participation in the mechanisms of this agreement. To help achieve this continuing recognition, this Memorandum of Understanding will be circulated at least biennially among all mayors and selectmen of the BCRPC District for their review.

BERKSHIRE COUNTY REGIONAL PLANNING COMMISSION

[Signature]

CHAIRMAN

11-17-72

DATE

MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS

[Signature]

COMMISSIONER

11-17-72

DATE

THE SECRETARY OF TRANSPORTATION AND CONSTRUCTION

[Signature]

SECRETARY

November 17, 1972

DATE

APPENDIX E
MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS
PROCEDURE FOR IMPLEMENTATION OF SECTION 204
OF THE "DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT
ACT OF 1966" AND TITLE IV OF THE
"INTERGOVERNMENTAL COOPERATION ACT OF 1968"

1.) AREA:

Formal review and comments for implementing Section 204 of the "Demonstration Cities and Metropolitan Development Act of 1966" will apply to the areas numbered 1 through 9 on the accompanying map entitled "Designated Areas for Review of Federal-aid Highway Projects by Metropolitan and Regional Clearinghouses".

Metropolitan clearinghouse review, for implementing Title IV of the "Intergovernmental Cooperation Act of 1968", will apply to areas numbered 1 through 9 on the accompanying map.

Regional clearinghouse review, for implementing Title IV of the "Intergovernmental Cooperation Act of 1968", will apply to areas 10, 11 and 12, on the accompanying map.

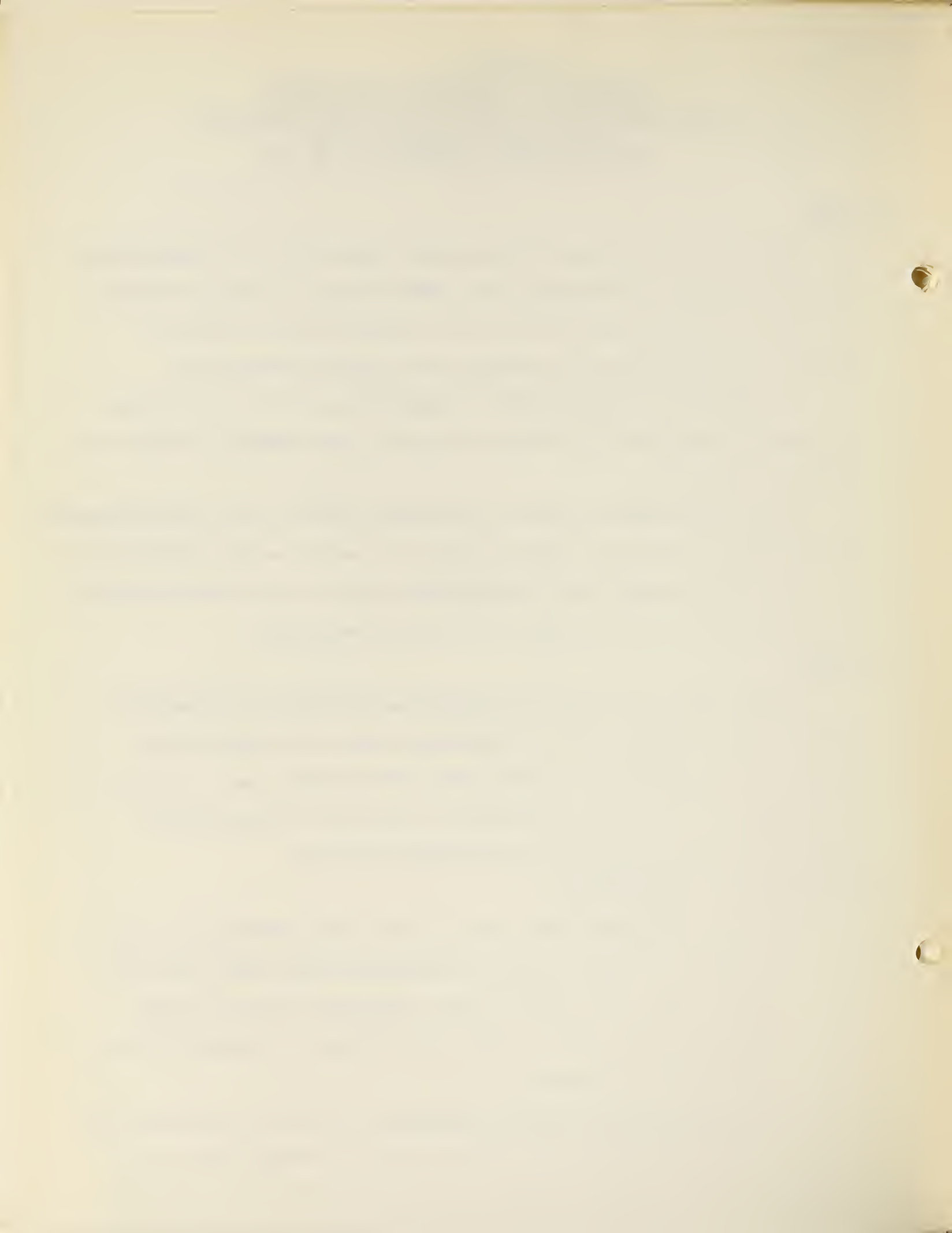
State clearinghouse review, for implementing Title IV of the "Intergovernmental Cooperation Act of 1968", will apply to the entire Commonwealth.

2.) PURPOSE:

The basic objective of the State, Metropolitan and Regional Clearinghouses, under Title IV and Section 204 is to coordinate projects with Federal, State, Regional and Local Agencies for orderly growth and development, and to review and comment, thereby evaluating the consistency of the project with comprehensive planning and with other projects being developed in the area.

3.) RESPONSIBILITY OF CLEARINGHOUSES:

- A.) State Clearinghouse, under Title IV shall, upon notification of intent to apply for Federal funds by the Department, notify other appropriate State Agencies and arrange to confer and consult with the Department on the interest, if any, of other State Agencies, in proposed projects, and to submit any comments.
- B.) Metropolitan and Regional Clearinghouses, under Title IV and Section 204 shall, upon notification of intent to apply for Federal funds by the Department, notify appropriate local governments and other regional or



subregional agencies in the area and arrange to confer and consult with the Department on regional, metropolitan, and local interest, if any, in proposed projects, and to review and comment on the effect the proposed highway will have on other proposed developments along the selected corridor.

4.) DEPARTMENT OF PUBLIC WORKS RESPONSIBILITY:

- A.) To perform the necessary planning and engineering to locate and/or design highways, as directed by the General Laws of the Commonwealth.
- B.) To submit to Clearinghouses route corridors as a supplement to the General Laws of the Commonwealth, for their information and guidance in planning ancillary or other local projects.
- C.) The Federal-aid Program Section of the Highway Engineering Division is the agency designated within the Department to implement the requirements of Section 204 of the "Demonstration Cities and Metropolitan Development Act of 1966" and Title IV of the "Intergovernmental Cooperation Act of 1968".
- D.) The Department will conduct Public Hearings on projects and will mail notice of such public hearings to the State Clearinghouse and to the appropriate Metropolitan and/or Regional Clearinghouse.

5.) TIME LIMIT:

In order to keep the highway program proceeding expeditiously, all clearinghouses should respond to submissions from the Department quickly.

The State Clearinghouse will have a maximum of 30 days after receipt of a project notification to inform other appropriate State Agencies and to arrange to confer and consult with the Department on the interest, if any, of other State Agencies.

Regional Clearinghouses will have a maximum of 30 days after receipt of a project to review and comment on the proposed project and to inform appropriate local governmental and other regional or sub-regional agencies in the area, and to arrange to confer and consult with the Department on regional and local interest, if any.



The Metropolitan Clearinghouse will have a maximum of 60 days to review and comment on the proposed project and to inform appropriate local governmental and other regional and sub-regional agencies in the area and to arrange to confer and consult with the Department on metropolitan and local interest, if any.

Project notification by the Department to the State Clearinghouse and to the Metropolitan and/or Regional Clearinghouse shall be concurrent.

If any clearinghouse indicates there is interest in a proposed project, this interest must be clearly stated and a conference arranged, if necessary, with the Department to discuss the issues. If there are unresolved issues, and upon mutual agreement, the Department will restudy the project and re-submit the project to the affected clearinghouse for review and comment.

The affected Metropolitan and/or Regional Clearinghouse will then have a maximum of 30 days to submit, on the re-study, any comments of its own or transmit the comments of any affected local government or other agency in the area.

The State Clearinghouse will then have a maximum of 30 days to submit, on the re-study, any comments of its own or transmit the comments of any affected State agency.

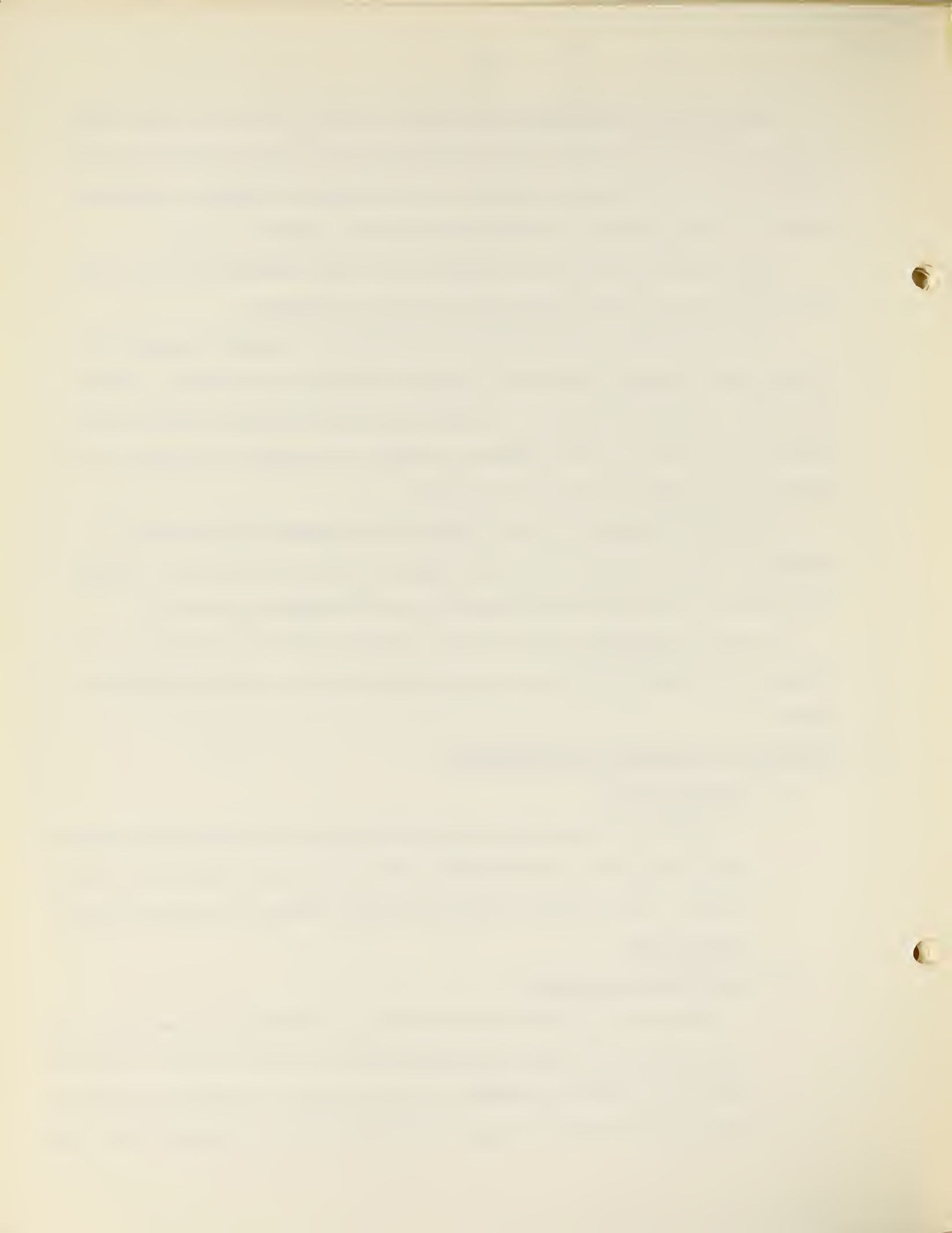
6.) SUBMISSION BY DEPARTMENT TO CLEARINGHOUSES:

A.) General Program:

The State Clearinghouse and each Metropolitan and Regional Clearinghouse shall receive from the Department a copy of the latest Accelerated Highway Program. This publication shows the highway program as envisioned at the date of issue.

B.) Highway Planning Program:

The Bureau of Transportation Planning and Development of the Department shall furnish the Federal-aid Program Section a draft of Part I of the HPR annual work program by September 15 of each year. The Federal-aid Program Section shall transmit a copy of the draft of Part I of the HPR annual work



program to the State Clearinghouse and to the affected Metropolitan and Regional Clearinghouses by October 1 of each year.

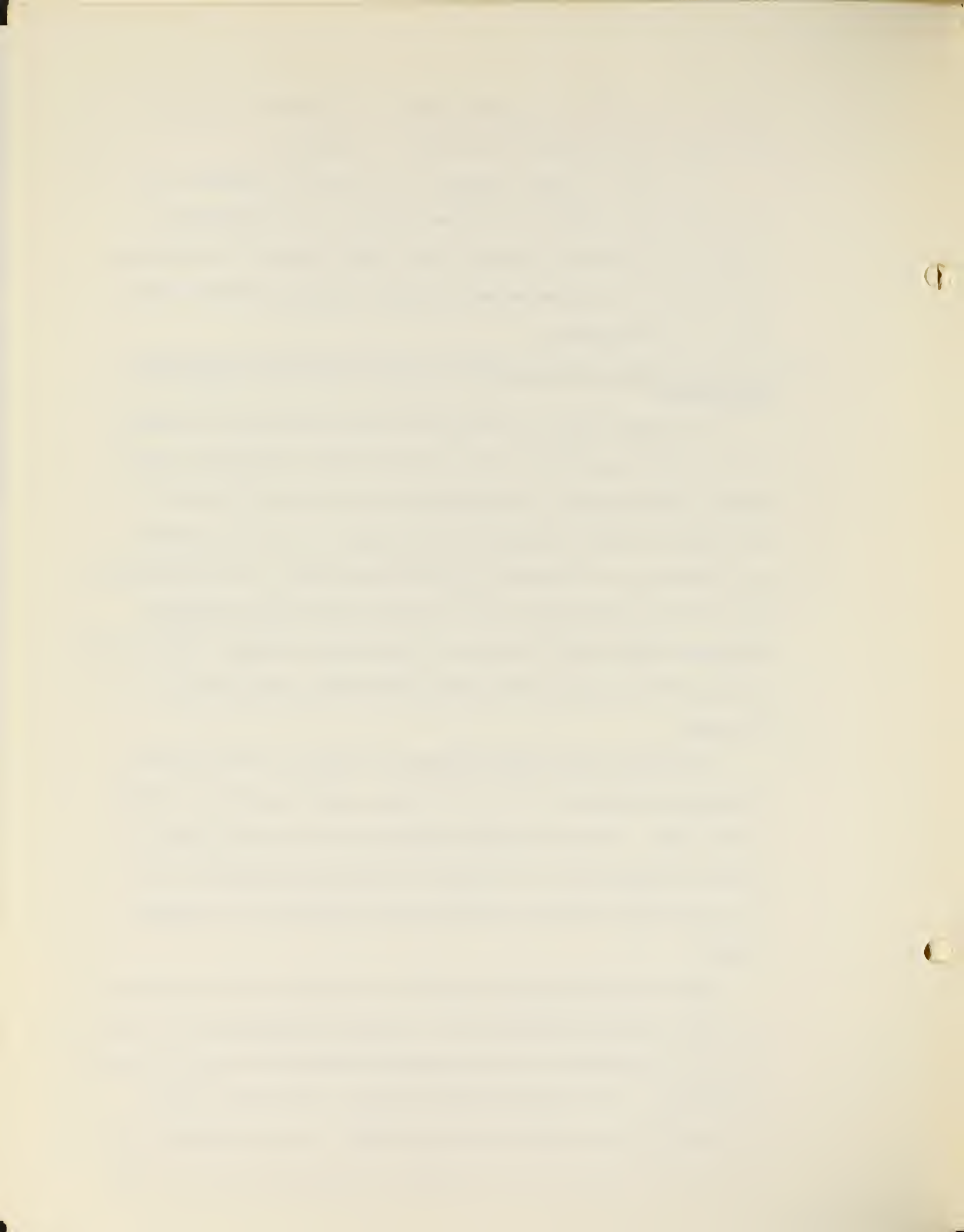
At the time of formal submission, (no later than December 1 of each year) by the Federal-aid Program Section, of the Department's complete annual HPR work program to the Federal Highway Administration for approval, the Department shall include comments received, if any, from the clearinghouses.

C.) Projects for Which Federal Funds Are Being Requested For Preliminary Engineering.

At the program stage the Federal-aid Program Section will transmit to the State Clearinghouse and to the appropriate Metropolitan and/or Regional Clearinghouse a topographical map and a copy of Form PR-1 which gives a brief description of the project. This will parallel the submission to the Federal Highway Administration. The topographical map shall show the termini of the proposed project and the general alignment between these termini, as a basis for a corridor. Under remarks on Form PR-1 the date of submission to the review agency will be indicated.

The review agency should acknowledge receipt of this submission. Although not required to do so, the review agency may elect to comment at this time. It would be highly desirable for the review agency to inform the Department of its interest in the proposed project or of any other projects being considered in the corridor of the proposed highway.

After the public hearing and prior to corridor location approval by the Federal Highway Administration, a detailed submission will be made to the State Clearinghouse and the appropriate Metropolitan and/or Regional Clearinghouse. This submission will include a letter and a marked topographical map, approximate scale 1"=2000', or a more detailed plan if available, indicating the Department's recommended location of the



project, the tentative location of the proposed interchanges, the tentative revisions to the local street system, and other major auto routes in the area. The letter will specify the project title, the normal width of lay-out, type of highway, access control, the date of the public hearing, and approximate target date of advertising if known. This submission will be prepared by the Federal-aid Program Section.

When a Metropolitan Clearinghouse is involved, this submission is intended to satisfy both Section 204, and Title IV and the 60 day time limit will apply.

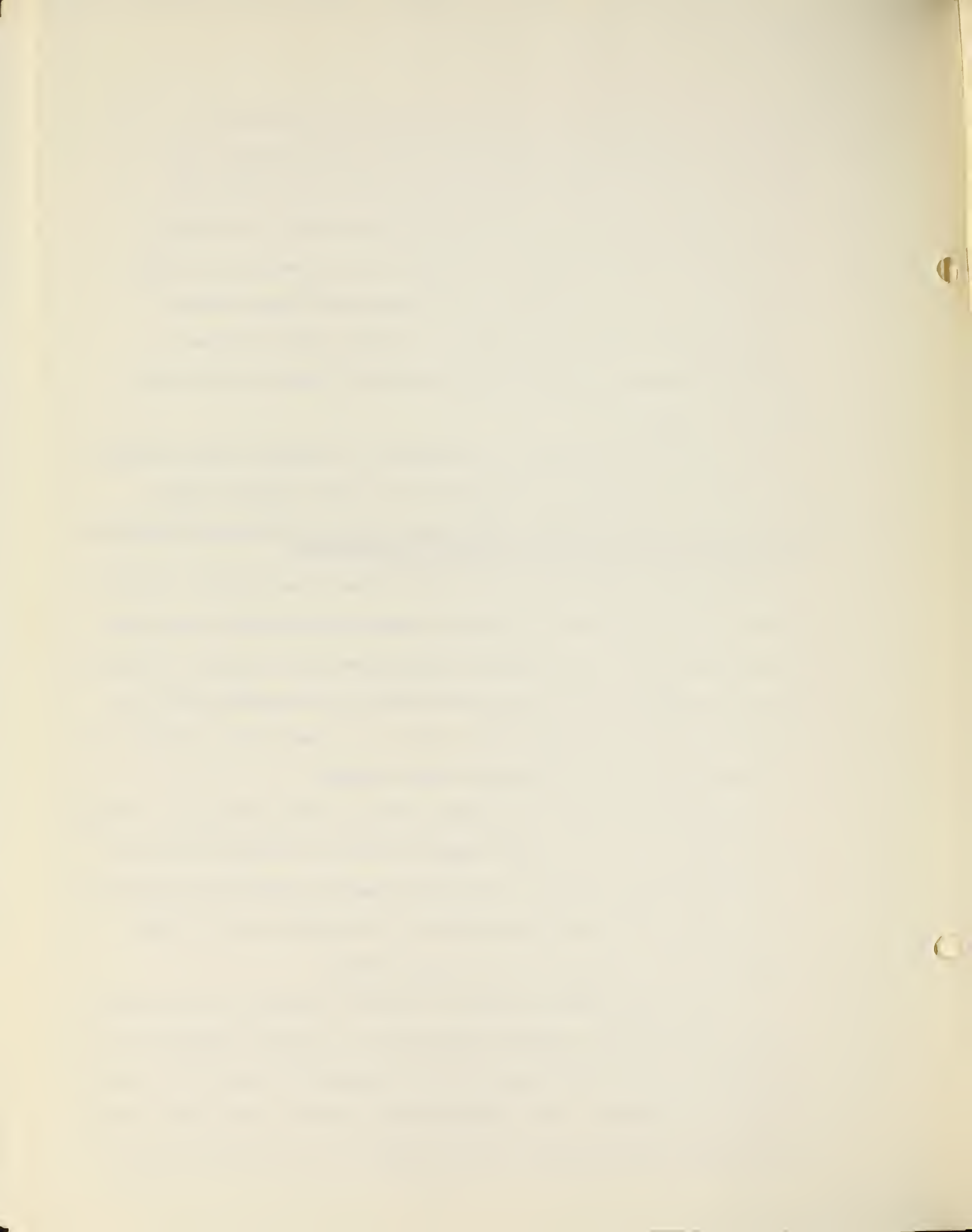
When the State and Regional Clearinghouses are involved, this submission is intended to satisfy Title IV and the 30 day time limit will apply.

D.) Projects with Federal Funds Not Being Requested For Preliminary Engineering But May Be Requested For Right of Way or Construction.

Whenever a location study is to be undertaken by the Department without Federal funds, the Federal-aid Program Section will transmit to the State Clearinghouse and to the appropriate Metropolitan and/or Regional Clearinghouse a topographical map showing the termini of the proposed project and the general alignment between these termini, as a basis for a corridor, and a letter giving a brief description of the project.

The review agency should acknowledge receipt of this submission. Although not required to do so, the review agency may elect to comment at this time. It would be highly desirable for the review agency to inform the Department of its interest in the proposed project or of any other projects being considered in the corridor of the proposed highway.

After the public hearing and prior to corridor location or basic design approval by the Federal Highway Administration, a detailed submission will be made to the State Clearinghouse and the appropriate Metropolitan and/or Regional Clearinghouse. This submission will include a letter and a marked topographical map, approximate scale 1"-2000', or a more detailed plan if



available, indicating the Department's recommended location of the project, the tentative location of the proposed interchanges, the tentative revisions to the local street system and other major auto routes in the area. The letter will specify the project title, the normal width of lay-out, type of highway, access control, the date of the public hearing, and approximate target date of advertising if known. This submission will be prepared by the Federal-aid Section.

When a Metropolitan Clearinghouse is involved, this submission is intended to satisfy both Section 204 and Title IV and the 60 day time limit will apply.

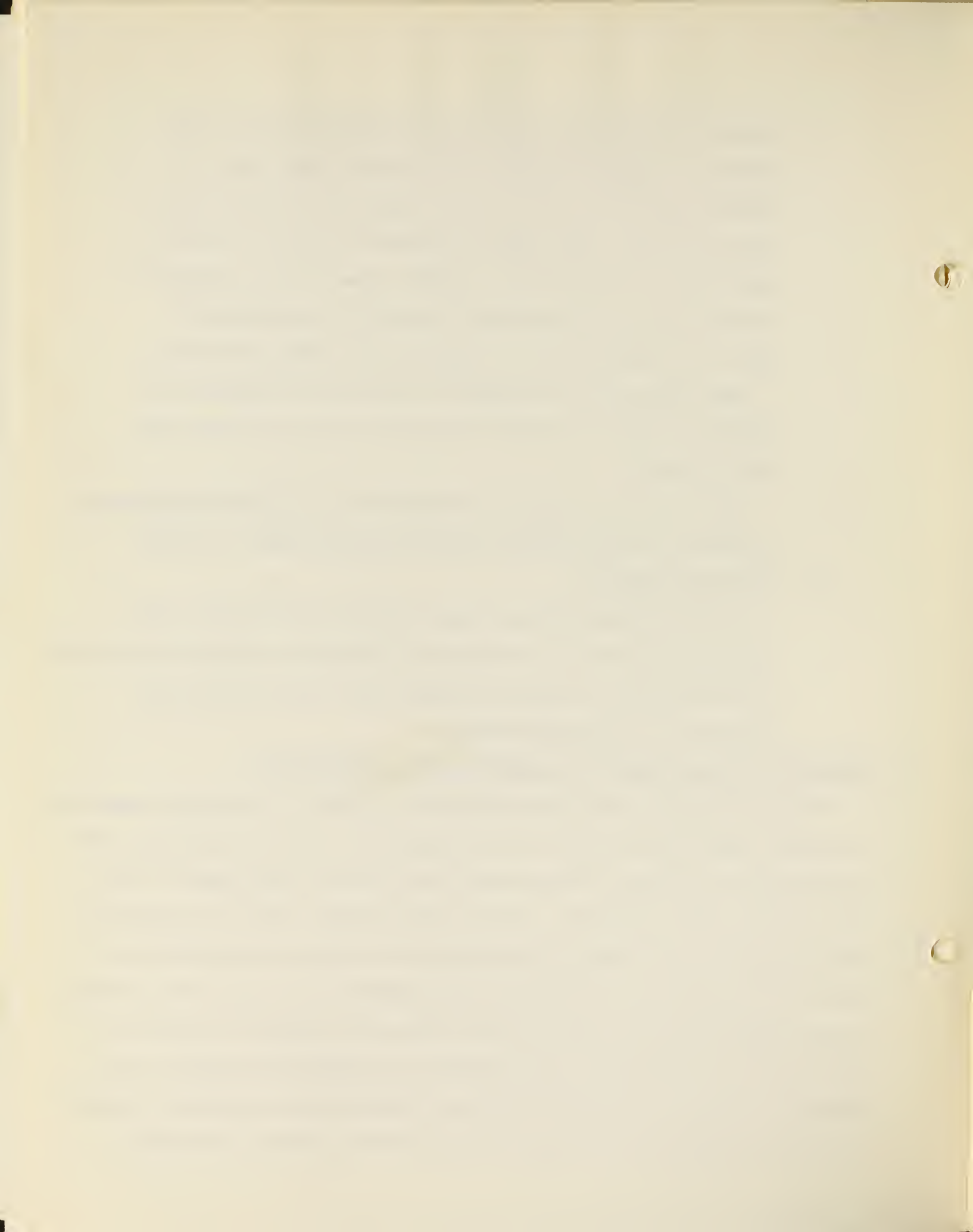
When the State and Regional Clearinghouses are involved, this submission is intended to satisfy Title IV and the 30 day time limit will apply.

E.) Subsequent Submission:

It is not expected that any further submission will be made to the review agency unless the clearinghouse has indicated an interest in the project or the Department has made major changes which would alter the effect on land use or comprehensive planning.

7.) SUBMISSION BY THE DEPARTMENT TO THE FEDERAL HIGHWAY ADMINISTRATION:

Where the Department has requested Federal Participation in Preliminary Engineering, the Federal Highway Administration will be furnished four copies of the comments and recommendations of the State and Metropolitan and/or Regional Clearinghouse at the time of final location submission. For all other applicable projects the Department will furnish the Federal Highway Administration the comments and recommendations of the State and Metropolitan and/or Regional Clearinghouse at the time of final location or basic design submission or with the first Federal-aid submission. This will be accompanied by the disposition of the comments and recommendations which have been submitted. A copy of the Department's letter, transmitting the clearinghouse comments to the Federal Highway Administration will be sent to the affected clearinghouse.



Each program submission to the Federal Highway Administration subsequent to location approval will be prepared by the Federal-aid Program Section and will include a statement that the Department has complied with Section 204 and Title IV, and will give the dates of correspondence to the State and Metropolitan and/or Regional Clearinghouse and the dates of the answers received, plus the Federal-aid Project Number and date previously submitted to the Federal Highway Administration.

8.) DEPARTMENT CHANNELS:

All submissions to the State and Metropolitan and/or Regional Clearinghouse will be prepared by the Federal-aid Program Section for the Chief Engineer's signature, with copies sent to the Commissioner, the Deputy Chief Engineers for Highway Engineering, Highway Construction and Highway Maintenance, the Department's Bureau of Transportation, Planning and Development, the appropriate District Highway Engineer, and to the Federal Highway Administration. The replies from the State and Metropolitan and/or Regional Clearinghouse should be addressed to the Chief Engineer with a copy mailed to the Federal-aid Program Section. The Federal-aid Program Section will be responsible for distribution of the replies to the appropriate sections of the Department.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS

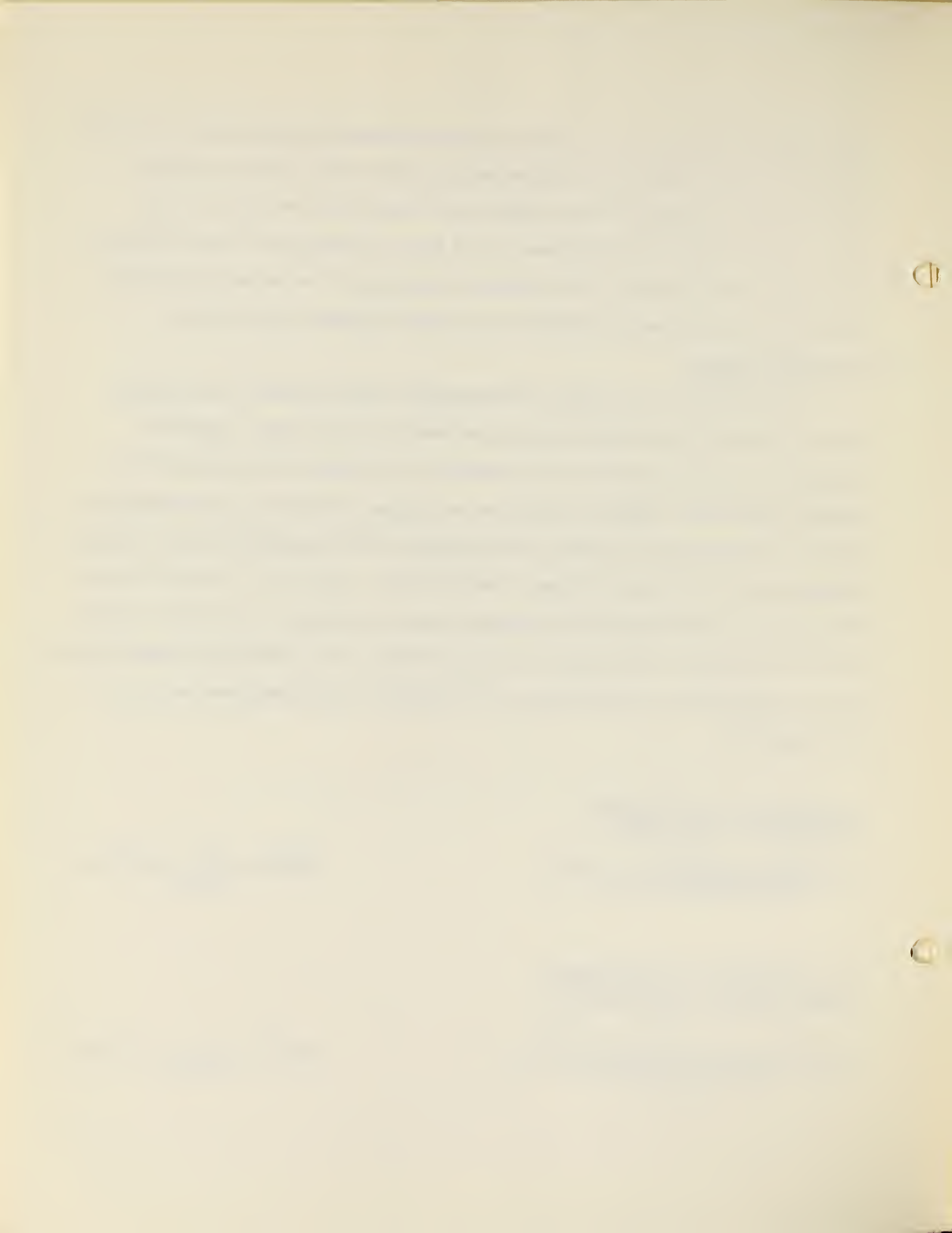
by *Donald A. Agnelli P.E.*
Chief Engineer

Nov. 2, 1970
(Date)

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

by *Edward J. DePina*
Division Engineer

Nov. 4, 1970
(Date)



APPENDIX F

District Highway EngineersDistrict 1

Mr. Dean P. Amidon
District Highway Engineer
P.O. Box 1151
Pittsfield, Mass. 01201
Tel. No. 637-1750

District 2

Mr. Francis J. Hoey
District Highway Engineer
2 North King Street
Northampton, Mass. 01060
Tel. No. 584-1611

District 3

Mr. George E. Lybrand
District Highway Engineer
403 Belmont Street
Worcester, Mass. 01604
Tel. No. 754-7204

District 4

Mr. Charles Mistretta
District Highway Engineer
519 Appleton Street
Arlington, Mass. 02174
Tel. No. 648-6100

District 5

Mr. Jacob Berkover
District Highway Engineer
485 Maple Street
P.O. Box 74
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Tel. No. 774-3190

District 6

Mr. Joseph T. Cronin
District Highway Engineer
1000 County Street
Taunton, Mass. 02780
Tel. No. 824-6633

District 7

Mr. Raymond Kelleher
District Highway Engineer
151 Pierce Street
Middleborough, Mass. 02346
Tel. No. 947-9000

District 8

Mr. Charles K. Brown
District Highway Engineer
400 "D" Street
South Boston, Mass. 02210
Tel. No. 482-0811



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

BUREAU OF PUBLIC ROADS

POLICY AND PROCEDURE MEMORANDUM

20-8

January 14, 1969

PUBLIC HEARINGS AND LOCATION APPROVAL

- Par. 1. Purpose
2. Authority
3. Applicability
4. Definitions
5. Coordination
6. Hearing Requirements
7. Opportunity for Public Hearings
8. Public Hearing Procedures
9. Consideration of Social, Economic, and Environmental Effects
10. Location and Design Approval
11. Publication of Approval
12. Reimbursement for Public Hearing Expenses

1. PURPOSE

a. The purpose of this PPM is to ensure, to the maximum extent practicable, that highway locations and designs reflect and are consistent with Federal, State, and local goals and objectives. The rules, policies, and procedures established by this PPM are intended to afford full opportunity for effective public participation in the consideration of highway location and design proposals by highway departments before submission to the Federal Highway Administration for approval. They provide a medium for free and open discussion and are designed to encourage early and amicable resolution of controversial issues that may arise.

b. The PPM requires State highway departments to consider fully a wide range of factors in determining highway locations and highway designs. It provides for extensive coordination of proposals with public and private interests. In addition, it provides for a two-hearing procedure designed to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists.

2. AUTHORITY

This PPM is issued under authority of the Federal-aid Highway Act, 23 U.S.C. 101 et seq., 128, 315, sections 2(a), 2(b)(2), and 9(e)(1) of the Department of Transportation Act, 49 U.S.C. 1651(a) and (a)(2), 1657(e)(1); 49 CFR § 1.4(c); and 23 CFR § 1.32.

3. APPLICABILITY

a. This PPM applies to all Federal-aid highway projects.

b. If preliminary engineering or acquisition of right of way related to an undertaking to construct a portion of a Federal-aid highway project is carried out without Federal-aid funds, subsequent phases of the work are eligible for Federal-aid funding only if the nonparticipating work after the effective date of this PPM was done in accordance with this PPM.

c. This PPM shall not apply to the construction of highway projects where the Federal Highway Administrator has made a formal determination that the construction of the project is urgently needed because of a national emergency, a natural disaster or a catastrophic failure.

4. DEFINITIONS (As used in this PPM)

a. A "consider public hearing" is a public hearing that:

(1) Is held before the route location is approved and before the State highway department is committed to a specific proposal;

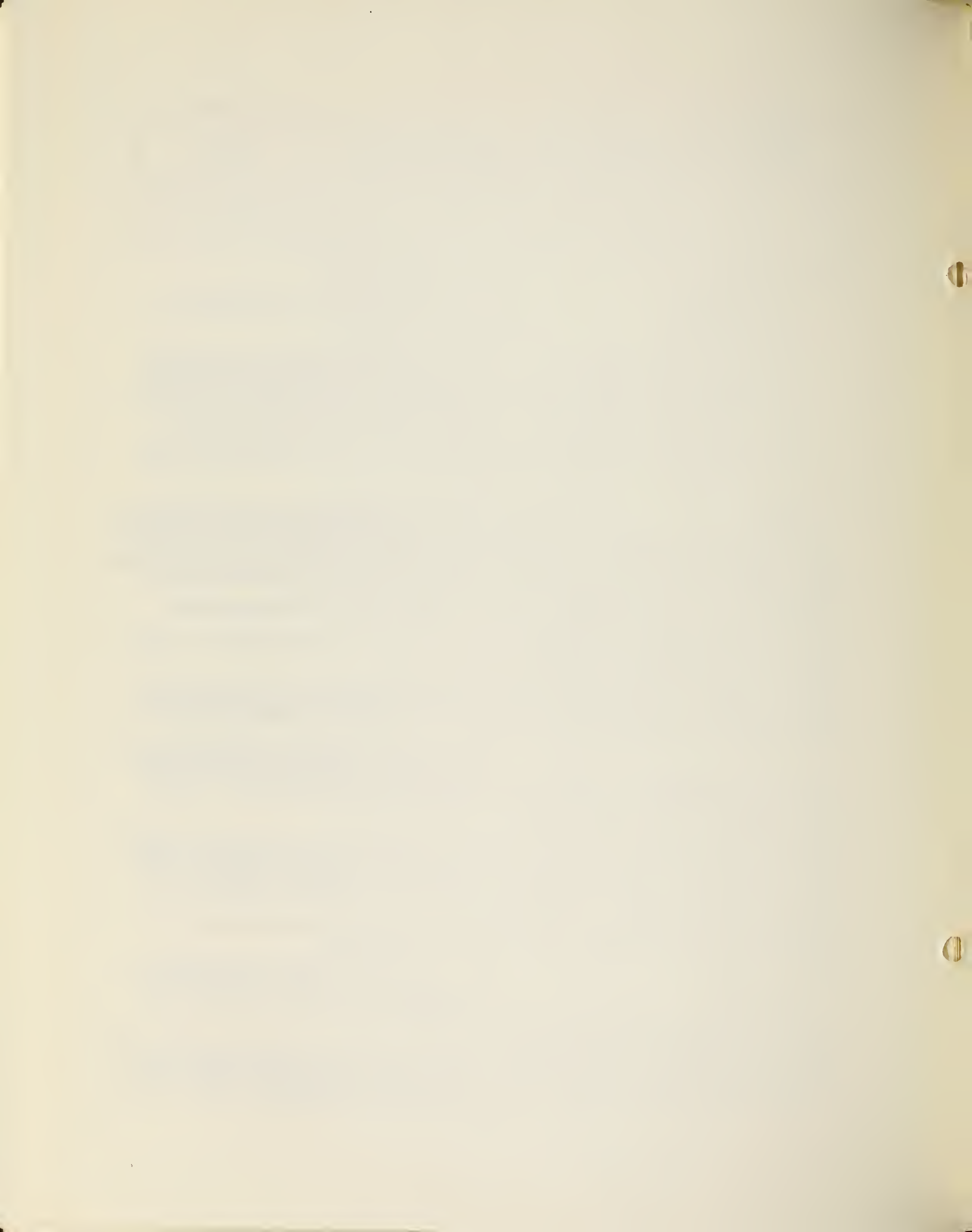
(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the location of, a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on each of the proposed alternative highway locations and the social, economic, and environmental effects of those alternate locations.

b. A "highway design public hearing" is a public hearing that:

(1) Is held after the route location has been approved, but before the State highway department is committed to a specific design proposal;

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the specific location and major design features of a Federal-aid highway; and



(3) Provides a public forum that affords a full opportunity for presenting views on major highway design features, including the social, economic, environmental, and other effects of alternate designs.

c. "Social, economic, and environmental effects" means the direct and indirect benefits or losses to the community and to highway users. It includes all such effects that are relevant and applicable to the particular location or design under consideration such as:

- (1) Fast, safe and efficient transportation.
- (2) National defense.
- (3) Economic activity.
- (4) Employment.
- (5) Recreation and parks.
- (6) Fire protection.
- (7) Aesthetics.
- (8) Public utilities.
- (9) Public health and safety.
- (10) Residential and neighborhood character and location.
- (11) Religious institutions and practices.
- (12) Conduct and financing of Government (including effect on local tax base and social service costs).
- (13) Conservation (including erosion, sedimentation, wildlife and general ecology of the area).
- (14) Natural and historic landmarks.
- (15) Noise, and air and water pollution.
- (16) Property values.
- (17) Multiple use of space.
- (18) Replacement housing.
- (19) Education (including disruption of school district operations).
- (20) Displacement of families and businesses.

(21) Engineering, right-of-way and construction costs of the project and related facilities.

(22) Maintenance and operating costs of the project and related facilities.

(23) Operation and use of existing highway facilities and other transportation facilities during construction and after completion.

This list of effects is not meant to be exclusive, nor does it mean that each effect considered must be given equal weight in making a determination upon a particular highway location or design:

5. COORDINATION

a. When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those Federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement. The State highway department shall establish and maintain a list upon which any Federal agency, local public official or public advisory group may enroll, upon its request, to receive notice of projects in any area specified by that agency, official, or group. The State highway departments are also encouraged to establish a list upon which other persons and groups interested in highway corridor locations may enroll in order to have their views considered. If the corridor affects another State, views shall also be solicited from the appropriate agencies within that State. All written views received as a result of coordination under this paragraph must be made available to the public as a part of the public hearing procedures set forth in paragraph 8.

b. Other public hearings or informal public meetings, clearly identified as such, may be desirable either before the study of alternate routes in the corridor begins or as it progresses to inform the public about highway proposals and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered, and which might aid in identification of critical social, economic and environmental effects at a stage permitting maximum consideration of these effects. State highway departments are encouraged to hold such a hearing or meeting whenever that action would further the objectives of this PPM or would otherwise serve the public interest.

6. HEARING REQUIREMENTS

a. Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that:

- (1) Is on a new location; or
- (2) Would have a substantially different social, economic or environmental effect; or
- (3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to secondary road programs, two hearings are not required on a project covered by paragraph 6(a)(1) or (2) unless it will carry an average of 750 vehicles a day in the year following its completion.

b. A single combined corridor and highway design public hearing must be held, or the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph 6. c. below.

c. Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project:

- (1) Requires the acquisition of additional right-of-way; or
- (2) Would have an adverse effect upon abutting real property; or
- (3) Would change the layout or function of connecting roads or streets or of the facility being improved.

d. With respect to a project on which a hearing was held, or an opportunity for a hearing afforded, before the effective date of this PPM, the following requirements apply:

- (1) With respect to projects which have not received location approval:
 - (a) If location approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is required unless a substantial amount of right-of-way has been acquired.
 - (b) If location approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is not required.

(2) With respect to those projects which have not received design approval:

(a) If design approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is required.

(b) If design approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is nevertheless required unless the division engineer finds that the hearing adequately dealt with design issues relating to major design features.

e. If location approval is not requested within 3 years after the date of the related corridor hearing held, or an opportunity for a hearing afforded, under this PPM, a new hearing must be held or the opportunity afforded for such a hearing.

f. If design approval is not requested within 3 years after the date of the related design hearing held, or an opportunity for a hearing afforded, under this PPM, a new hearing must be held or the opportunity afforded for such a hearing.

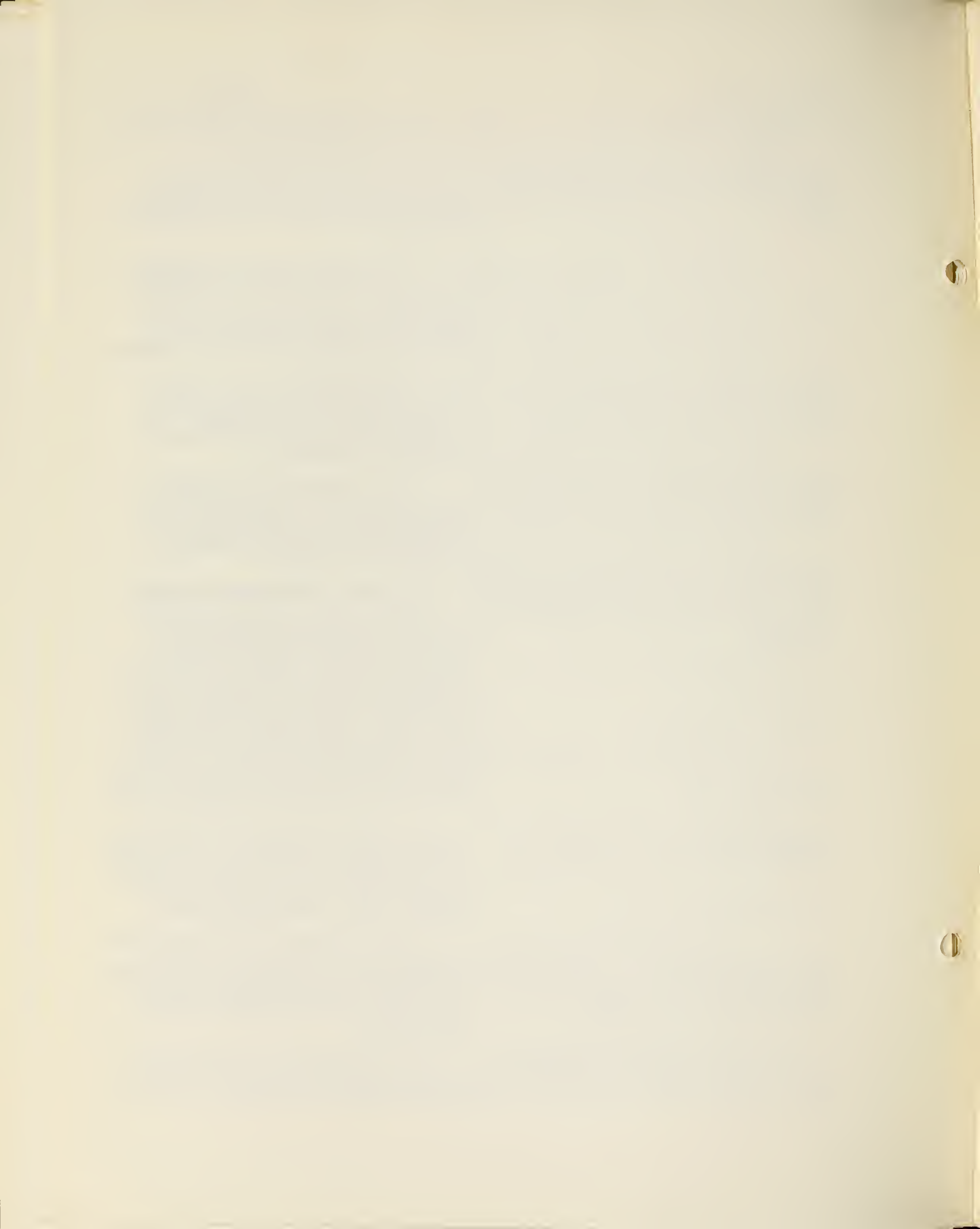
7. OPPORTUNITY FOR PUBLIC HEARINGS

a. A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

b. A copy of the notice of opportunity for public hearing shall be furnished to the division engineer at time of publication. If no requests are received in response to a notice within the time specified for the submission of those requests, the State highway department shall certify that fact to the division engineer.

c. The opportunity for another public hearing shall be afforded in any case where proposed locations or designs are so changed from those presented in the notices specified above or at a public hearing as to have a substantially different social, economic, or environmental effect.

d. The opportunity for a public hearing shall be afforded in each case in which either the State highway department or the division



engineer is in doubt as to whether a public hearing is required.

e. Public hearing procedures authorized and required by State law may be followed in lieu of any particular hearing requirement of paragraph 7 or 8 of this PPM if, in the opinion of the Administrator, such procedures are reasonably comparable to that requirement.

8. PUBLIC HEARING PROCEDURES

a. Notice of public hearing:

(1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of Interior and Housing and Urban Development. The State highway department shall also mail copies to other federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal. The State highway department shall establish and maintain a list upon which any federal agency, local public official, public advisory group or agency, civic association or other community group may enroll upon its request to receive notice of projects in any area specified by that agency, official or group.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in Paragraph 5, a will be available for public inspection and copying and shall specify where this information is available; namely,

at the nearest State highway department office or at some other convenient location in the vicinity of the proposed project.

(4) A notice of highway design public hearing shall indicate that tentative schedules for right-of-way acquisition and construction will be discussed.

(5) Notices of public hearing shall indicate that relocation assistance programs will be discussed.

(6) The State highway department shall furnish the division engineer with a copy of the notice of public hearing at the time of first publication.

b. Conduct of public hearing:

(1) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

(2) Provision shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure for the submissions shall be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits shall be at least 10 days after the public hearing.

(3) At each required corridor public hearing, pertinent information about location alternatives studied by the State highway department shall be made available. At each required highway design public hearing information about design alternatives studied by the State highway department shall be made available.

(4) The State highway department shall make suitable arrangements for responsible highway officials to be present at public hearings as necessary to conduct the hearings and to be responsive to questions which may arise.

(5) The State highway department shall describe the State-Federal relationship in the Federal-aid highway program by an appropriate brochure, pamphlet, or statement, or by other means.

(6) A State highway department may arrange for local public officials to conduct a required public hearing. The State shall be appropriately represented at such public hearing and is responsible for meeting other requirements of this PPM.

(7) The State highway department shall explain the relocation assistance program and relocation assistance payments available.

(8) At each public hearing the State highway department shall announce or otherwise explain that, at any time after the hearing and before the location or design approval related to that hearing, all information developed in support of the proposed location or design will be available upon request, for public inspection and copying.

(9) To improve coordination with the State highway department, it is desirable that the division engineer or his representative attend a public hearing as an observer. At a hearing, he may properly explain procedural and technical matters, if asked to do so. A Federal Highway Administration decision regarding a proposed location or design will not be made before the State highway department has requested location or design approval in accordance with paragraph 10.

c. Transcript:

(1) The State highway department shall provide for the making of a verbatim written transcript of the oral proceedings at each public hearing. It shall submit a copy of the transcript to the division engineer within a reasonable period (usually less than 2 months) after the public hearing, together with:

(a) Copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with a public hearing.

(b) Copies of, or reference to, all information made available to the public before the public hearing.

(2) The State highway department shall make copies of the materials described in subparagraph 8. c. (1) available for public inspection and copying not later than the date the transcript is submitted to the division engineer.

9. CONSIDERATION OF SOCIAL, ECONOMIC, AND ENVIRONMENTAL EFFECTS

State highway departments shall consider social, economic, and environmental effects before submission of requests for location or design approval, whether or not a public hearing has been held. Consideration of social, economic, and environmental effects shall include an analysis of information submitted to the State highway department in connection with public hearings or in response to the notice of the location or design for which a State highway department intends to request approval. It shall also include consideration of information developed by the State highway department or gained from other contacts with interested persons or groups.

10. LOCATION AND DESIGN APPROVAL

a. This section applies to all requests for location or design approval whether or not public hearings, or the opportunity for public hearings, are required by this PPM.

b. Each request by a State highway department for approval of a route location or highway design must include a study report containing the following:

(1) Descriptions of the alternatives considered and a discussion of the anticipated social, economic, and environmental effects of the alternatives, pointing out the significant differences and the reasons supporting the proposed location or design. In addition, the report must include an analysis of the relative consistency of the alternatives with the goals and objectives of any urban plan that has been adopted by the community concerned.

(a) Location study reports must describe the termini, the general type of facility, the nature of the service which the highway is intended to provide, and other major features of the alternatives.

(b) Design study reports must describe essential elements such as design standards, number of traffic lanes, access control features, general horizontal and vertical alignment, right-of-way requirements and location of bridges, interchanges, and other structures.

(2) Appropriate maps or drawings of the location or design for which approval is requested.

(3) A summary and analysis of the views received concerning the proposed undertaking.

(4) A list of any prior studies relevant to the undertaking.

c. At the time it requests approval under this paragraph, each State highway department shall publish in a newspaper meeting the requirements of paragraph 8. a. (1), a notice describing the location or design, or both, for which it is requesting approval. The notice shall include a narrative description of the location or design. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information submitted in support of the request for approval is publicly available at a convenient location.



d. The following requirements apply to the processing of requests for highway location or highway design approval:

(1) Location approval. The division engineer may approve a route location and authorize design engineering only after the following requirements are met:

(a) The State highway department has requested route location approval.

(b) Corridor public hearings required by this PPM have been held, or the opportunity for hearings has been afforded.

(c) The State highway department has submitted public hearing transcripts and certificates required by section 128, title 23, United States Code.

(d) The requirements of this PPM and of other applicable laws and regulations.

(2) Design approval. The division engineer may approve the highway design and authorize right-of-way acquisition, approve right-of-way plans, approve construction plans, specifications, and estimates, or authorize construction, only after the following requirements have been met:

(a) The route location has been approved.

(b) The State highway department has requested highway design approval.

(c) Highway design public hearings required by this PPM have been held, or the opportunity for hearings has been afforded.

(d) The State highway department has submitted the public hearing transcripts and certificates required by section 128, title 23, United States Code.

(e) The requirements of this PPM and of other applicable laws and regulations.

e. The division engineer, under criteria to be promulgated by the Federal Highway Administrator, may in other appropriate instances authorize the acquisition of right-of-way before a design hearing.

f. Secondary Road Plans shall be amended as necessary to incorporate procedures similar to those required for other projects. Secondary Road Plans shall include provisions requiring:

(1) route location and highway design approval,

(2) preparation of study reports as described in paragraph 10(b), and

(3) corridor and highway design public hearings in all cases where they would be required for Federal-aid projects not administered under the Secondary Road Plan. Project actions by the division engineer or submissions to the division engineer which are not now required should not be established for Secondary Road Plan projects as a result of this PPM.

11. PUBLICATION OF APPROVAL

In cases where a public hearing was held, or the opportunity for a public hearing afforded, the State highway department shall publish notice of the action taken by the division engineer on each request for approval of a highway location or design, or both, in a newspaper meeting the requirements of paragraph 8. a. (1), within 10 days after receiving notice of that action. The notice shall include a narrative description of the location and/or design, as approved. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information concerning the approval is publicly available at a convenient location.

12. REIMBURSEMENT FOR PUBLIC HEARING EXPENSES

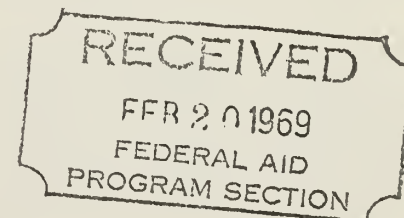
Public hearings are an integral part of the preliminary engineering process. Reasonable costs associated with public hearings are eligible for reimbursement with Federal-aid funds on the same basis as other preliminary engineering costs.

F. C. Turner

F. C. Turner
Director of Public Roads

Lowell K. Bridwell

Lowell K. Bridwell
Federal Highway Administrator



"Public Involvement and Location/Design Approval"

- Par. 1. Purpose
2. Authority
3. Applicability
4. Prehearing Public Involvement
5. Public Hearing Requirements
6. Location and Design Approval
7. Post Hearing Public Involvement
8. Reimbursement for Public Involvement Expenses
Appendix A - Legislative Authority

2. AUTHORITY

This PPM is issued under the authority of 23 U.S.C. 315 and 23 C.F.R. 1.32 and prescribes the policy and procedures for carrying out the provisions of 23 U.S.C. 128 in conjunction with 23 U.S.C. 109(h) and 134(a) [See Appendix A for text of statutes]

3. APPLICABILITY

a. This PPM applies to all Federal-aid highway projects, except those projects or classes of projects which may be exempted by this PPM or other PPMs. 2/

b. If preliminary engineering or acquisition of right-of-way related to an undertaking to improve a portion of a Federal-aid route is carried out without Federal-aid funds, subsequent phases of that same undertaking are eligible for Federal-aid funding only if the nonparticipating work was done substantially in accordance with those FHWA requirements in effect at the time the work was performed.

c. Where the Federal Highway Administration has made a formal determination that "emergency relief" highway construction is urgently needed because of a national emergency, a natural disaster or a catastrophic failure, the provisions of this PPM will not apply to immediate restoration work. For major permanent replacement work of this type, calling for study of alternative locations, development of plans, right-of-way acquisition, etc., the provisions of this memorandum generally will remain in effect, unless otherwise determined by the Federal Highway Administrator.

d. This PPM does not apply to FAS projects undertaken pursuant to approved Secondary Road plans, except to the extent that such plans incorporate these provisions by reference.

e. The provisions of this PPM do not apply to projects for which

(1) the hearings required by PPM 20-8, dated January 14, 1969, have been held; and

(2) the highway agency chooses to complete the requirements of the January 1969 PPM 20-8 as amended by IM 20-4-72.

2/For example, certain "SAFETY" or "TOPICS" projects (see PPMs 21-16 and 21-18).

1. PURPOSE

a. The purpose of this PPM is to ensure, to the maximum extent practicable, that highway projects reflect and are consistent with Federal, State and local goals and objectives. The rules, policies, and procedures established by this PPM are intended to afford full opportunity for effective public participation in the development of highway location and design proposals by highway agencies. 1/

b. In addition to establishing public hearing procedures, it also provides for public involvement both before and after the public hearing stage for the purpose of giving all interested persons an opportunity to become fully acquainted with highway proposals of concern to them, and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists.

c. This PPM requires the highway agency to consider a wide range of factors in determining highway locations and designs so as to assure that:

(1) The economic, social, and environmental effects relating to any proposed federal-funded project on any Federal-aid highway system have been fully considered in developing such project.

(2) Final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects.

1/The agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of the highway. For highway sections financed with Federal-aid highway funds, the highway agency will normally be the appropriate State highway department or State department of Transportation.

4. PREHEARING PUBLIC INVOLVEMENT

(2)

a. Public involvement in transportation must begin during the planning stage. This is particularly so in urbanized areas, places of more than 50,000 population, where the State highway agencies in cooperation with local jurisdictions, authorities, planning agencies, and others are required to establish and continue a comprehensive transportation planning process under the provisions of PPM 50-9. They also solicit the views of the public to assist in formulating the transportation plan necessary for the desired growth and development of each urbanized area. Continuity of public involvement begun in the planning process must be maintained and intensified in the project development stage as covered in the following paragraphs.

b. When a highway agency begins development of highway project studies, it shall solicit and consider the views of the State's resources, recreation and planning agencies, and of those Federal agencies and local public officials and agencies, including A-95 Clearinghouses, and public advisory groups which the highway agency knows or believes might be interested in or affected by the development or improvement. In addition, to ensure timely public awareness and understanding of project development, interested persons and private groups also shall be given adequate opportunities to become familiar with highway project proposals and to express their views early enough in the study process to influence the course of studies, as well as the actions taken on any project. The highway agency shall establish and maintain a list of the agencies, groups or officials noted above, as well as any private groups or individuals who have requested that they be notified of projects in any area specified by those groups or individuals. It shall notify the aforementioned when it begins development of such project studies and the time of public hearing [see par. 5.e. (2)]. If the highway development or improvement affects another State, it will be coordinated through the highway agency of the adjoining State or other appropriate agency. All written views received prior to the public hearing as a result of coordination under this paragraph must be made available to the public as set forth in paragraph 5.e.(3).

c. The highway agency shall establish and include procedures in its Action Plan ^{3/} under PPM 90-4 so as to provide sufficient opportunities for prehearing public involvement to achieve the objectives of this PPM. The highway agency shall employ procedures sufficient to inform the public and to derive information which might affect the scope of the study or the choice of alternatives to be considered, and which might aid in the identification of significant social, economic and environmental effects at a stage permitting maximum consideration of these effects. It is recognized that there is no guaranteed best "workable" approach to early public participation that can be applied to every situation. Well publicized informal prehearing meetings, meetings of smaller interested groups, and other methods of participation involving the general public (e.g. surveys, personal contacts, etc.), may be desirable either before the studies of alternate locations or designs begin, or as they progress.

d. In the interest of assuring a free and open exchange of ideas it is desirable that prehearing public participation be informal in nature. However, brief written summaries shall be prepared on the suggestions, comments and questions received at informal prehearing meetings. Any person or agency desiring to submit a statement shall be encouraged to do so during this period. Such summaries and prepared statements shall also be made a part of the project file for consideration and made available to the public as set forth in paragraph 5.e.(3).

e. The highway agency may arrange for a county, city or other political subdivision to coordinate and implement the requirements in paragraph 4 of this PPM; however, the highway agency shall be responsible for assuring that all requirements are met and for having available at one central point copies of all pertinent project records.

^{3/}A plan developed by a State highway agency, in accordance with the provisions of PPM 90-4, that describes the organization to be utilized and procedures to be followed in the development of Federal-aid highway projects to insure that the State highway agency fully considers the social, economic, and environmental effects of a project from initial system planning through design.

5. PUBLIC HEARING REQUIREMENTS

a. Projects subject to public hearing requirements.

(1) At least one public hearing must be held after the effective date of this PPM, or the opportunity for such a hearing afforded, on all projects, except as provided in paragraphs 3 and 5.a.(2) of this PPM.

(2) Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing structures, installing traffic control devices or similar improvements, unless the project:

(a) Requires the acquisition of significant or substantial amounts of additional right-of-way; or

(b) Would have a significant adverse impact upon abutting real property; or

(c) Would substantially change the layout or function of connecting roads or streets or of the facility being improved.

(3) Hearings conducted by another public agency, on essentially non-highway projects that contain some Federal-aid highway work, may be substituted for the hearings required by this PPM, provided the hearing procedures are reasonably comparable with those required herein, and the coverage of the highway elements at such hearings is considered acceptable by the highway agency and FHWA division engineer.

b. Stage(s) of project development during which public hearings are to be held.

(1) Public hearings conducted pursuant to the requirements of this PPM must provide a forum for the discussion of the need for the project, alternate locations and major design features, and social, economic and environmental effects related thereto, before the highway agency becomes committed to a specific proposal. This is not to be construed as prohibiting a highway agency from indicating its preference at a public hearing.

(2) A highway agency may elect to hold separate hearings for each of the various stages of project development or may elect to cover alternate locations and major design features in a single public hearing.

(3) If a corridor public hearing meeting the requirements of PPM 20-8, dated January 14, 1969, has been held for a project prior to the effective date of this PPM, that hearing shall be considered to have been developed and held in accordance with the requirements of this PPM for a separate hearing on alternate locations.

c. Additional public hearings.

An additional public hearing shall be held, or the opportunity for such hearing provided:

(1) Where location or design approval is not requested within 3 years after the date of the related hearing.

(2) Where proposed locations or designs are so changed from those presented by the highway agency at the public hearing, or described in the notice of opportunity for public hearing, as to have a substantially different social, economic, or environmental effect.

(3) Where in the Division Engineer's opinion the area affected by the proposal has so changed from the conditions which existed at the time of public hearing as to result in the proposal having a substantially different social, economic or environmental effect. In those instances where an additional public hearing is required due to such changed conditions, and a substantial amount of right-of-way has been acquired, the additional hearing may be limited in scope to providing a forum for the discussion of major design features.

(4) Where in the Division Engineer's opinion there has been inadequate prehearing public involvement in the proposal under the provisions of paragraph 4 of this PPM.

d. Opportunity for public hearings.

(1) A highway agency may satisfy the requirements for a public hearing by either holding a public hearing, or publishing two notices of opportunity for public hearing and holding a public hearing in those instances where written requests for such a hearing are received which cannot be otherwise satisfied. The two notices shall be published at least 7 days apart and shall indicate a deadline for submission of written requests not earlier than 14 days following publication of the second notice. The procedures for requesting a public hearing shall be explained in the notice.

(2) If no requests are received in response to the notices of opportunity for a public hearing within the time specified for the submission of those requests, the highway agency shall certify that fact to the division engineer.

e. Notices of public hearings.

(1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a notice of public hearing, the highway agency shall furnish copies of the notice to the FHWA division engineer, appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of the Interior and Housing and Urban Development. The highway agency shall also furnish copies to other Federal agencies, local public officials, public advisory groups, and public agencies or individuals who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, responsibility or prehearing public involvement, a highway agency knows or believes might be interested in or affected by the proposal.

(3) Each notice of public hearing shall specify the date, time and place of the hearing and shall contain a narrative description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is particularly desirable and strongly encouraged. The notice of public hearing shall specify that maps, drawings, environmental studies and other pertinent information developed by the highway agency and written views received as a result of the coordination outlined in paragraph 4 will be available for public inspection and copying and shall specify where this information is available; namely, at the nearest highway agency office or at some other convenient location in the vicinity of the proposed project.

(4) Notices of public hearing shall indicate that relocation assistance information will be available and tentative schedules for right-of-way acquisition and construction will be discussed.

f. Conduct of public hearings.

(1) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

(2) Provision shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure of the submission shall be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits shall be at least 10 days after the public hearing.

(3) At each required public hearing, pertinent information concerning the social, economic and environmental effects of location and design alternatives studied by the highway agency shall be made available.

(4) The highway agency shall make suitable arrangements for responsible highway officials to be present at public hearings as necessary to conduct the hearings and to be responsive to questions which arise.

(5) The highway agency shall describe the State-Federal relationship in the Federal-aid highway program by an appropriate brochure, pamphlet, or statement, or by other means.

(6) A highway agency may arrange for local public officials or other qualified individuals to conduct a required public hearing. The highway agency shall be appropriately represented at such public hearing and is responsible for meeting other requirements of this PPM.

6. LOCATION AND DESIGN APPROVAL

f. Conduct of public hearings (cont.)

(7) The highway agency shall discuss the relocation assistance program and relocation assistance payments available as appropriate for the project being considered (see PPM 81-1, subject: "Relocation Assistance - General").

(8) At each public hearing the highway agency shall announce or otherwise explain that all information developed in regard to the proposed location or design will be available upon request for public inspection and copying.

(9) To improve coordination with the highway agency, it is desirable that the division engineer or his representative attend public hearings as an observer. At a hearing, he may properly explain procedural and technical matters, if asked to do so. A Federal Highway Administration decision regarding a proposed location or design will not be made before the highway agency has requested location or design approval in accordance with paragraph 6 of the PPM.

g. Transcript.

The highway agency shall provide for the making of a verbatim written transcript of the oral proceedings at each public hearing. It shall submit a copy of the transcript to the division engineer within a reasonable period of time after the public hearing, together with (1) copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with a public hearing, and (2) a summary or index of all information made available to the public before the public hearing. The highway agency shall make copies of these materials available for public inspection and copying not later than the date the transcript is submitted to the division engineer.

h. Alternate Procedures.

Procedures contained in an Action Plan prepared pursuant to the requirements of PPM 90-4 may be followed in lieu of any particular hearing requirement of paragraphs 5.d., 5.e., or 5.f. of this PPM if, in the opinion of the Regional Administrator, such procedures are reasonably comparable to that requirement, and fulfill the requirements specifically set forth in 23 U.S.C. 128.

a. Each request by a State highway agency for approval of location and/or design, (whether or not a public hearing or an opportunity for a public hearing is required by this PPM), will be preceded or accompanied by the following:

(1) A certification that

(a) It has held at least one public hearing or separate public hearings covering the project's location and design or has afforded the opportunity for such hearings if a hearing is required by this PPM.

(b) It has considered the economic and social effects of the project's location and design and its impact on the environment.

(c) In determining economic, social and environmental effects the statutory provisions of the Civil Rights Acts of 1964 and 1968 have been considered.

(d) It has considered the project's consistency with the goals and objectives of such urban planning as has been promulgated by the community.

(2) A report that contains, as a minimum, the following:

(a) Descriptions of the alternatives considered and a discussion of the findings relative to the need for fast, safe, efficient transportation together with the highway costs, traffic benefits and public services including the provisions of national defense as they pertain to each alternative.

(b) Discussions of location aspects including a description of the termini, the general type of facility, the nature of the service which the highway is intended to provide and other major features of the alternatives.

(c) Discussion of design aspects including a description of essential elements such as design standards, number of traffic lanes, access control features, general horizontal and vertical alignment, approximate right-of-way requirements, and other major features of the alternatives such as the location of bridges, interchanges and other structures.

(d) Appropriate maps or drawings of the location or design for which approval is requested and for which alternatives were studied in detail by the highway agency.

(e) A summary and analysis when appropriate of the views received as a result of coordination outlined in paragraph 4 and in connection with public hearings or opportunity for public hearings.

(f) A list and discussion when appropriate of any prior studies relevant to the undertaking.

(g) Discussion of the anticipated economic, social and environmental effects of the proposal and alternatives under consideration, to the extent applicable, on the following:

1 Regional and Community Growth including general plans and proposed land use, total transportation requirements, and status of the planning process.

2 Conservation and Preservation including soil erosion and sedimentation, the general ecology of the area as well as man-made and other natural resources, such as: park and recreational facilities, wildlife and waterfowl areas, historic and natural landmarks.

3 Public Facilities and Services including religious, health and educational facilities, and public utilities, fire protection and other emergency services.

4 Community Cohesion including residential and neighborhood character and stability, highway impacts on minority and other specific groups and interests, and effects on local tax base and property values.

5 Displacement of People, Businesses, and Farms including relocation assistance, availability of adequate replacement housing, economic activity (employment gains and losses, etc.).

6 Air, Noise, and Water Pollution including consistency with approved air quality implementation plans, FHWA noise level standards (as required under PPM 90-2), and any relevant Federal or State water quality standards.

7 Aesthetic and Other Values including visual quality, such as: "view of the road" and "view from the road," and the joint development and multiple use of space.

(h) In addition to coverage of the significant differences and reasons supporting the alternative locations and designs, discussions of the above items and other economic, social, and environmental effects, which were raised during public hearings or which were otherwise considered, shall include: (1) identification of the adverse effects, (2) appropriate measures to eliminate or minimize the adverse effects (3) the estimated costs (expressed in either monetary, numerical or qualitative terms) of the measures considered. This does not mean that each effect considered must be given equal weight in making a determination upon a particular highway location or design. The degree of analysis of the items may also vary, depending upon the scope and the nature of project, the stage of project development, and the extent of adverse effect.

(3) Alternate procedures

(a) Statements or reports prepared pursuant to PPM 90-1 and other applicable Federal requirements may be referenced in lieu of a separate report provided such statements or reports meet the above minimum requirements.

(b) In the case where separate location and design approvals are requested separate reports will be required containing, as appropriate, discussions of location or design aspects as outlined above; however, in the case of a separate request for design approval a report submitted at the time of a request for location approval may be referenced in lieu of a separate report provided that report contained an appropriate discussion of the design aspects as outlined above.

b. At the time it requests approval, the highway agency shall publish in a newspaper meeting the requirements of paragraph 5.e.(1), a notice describing the location or design, or both, for which it is requesting approval. The notice shall include a narrative description of the location or design. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information submitted in regard to the request for approval are publicly available at a convenient location.

6. LOCATION AND DESIGN APPROVAL (cont.)

c. Location and/or Design Approval. The Division Engineer may approve location and/or design only after the following requirements are met.

(1) The State highway agency has requested location and design approval. However, in the case of a separate request for design approval the location approval must have previously been granted.

(2) The prehearing public involvement and public hearing requirements have been satisfied.

(3) The highway agency has submitted public hearing transcripts, certifications and study reports to the extent required above.

(4) The requirements of this PPM and other applicable laws and regulations have been met.

d. The Division Engineer, under criteria promulgated by the Federal Highway Administrator, may in appropriate instances authorize the acquisition of right-of-way prior to a public hearing or formal approval of the location and design of the proposed improvement.

7. POST-HEARING PUBLIC INVOLVEMENT

Highway agencies shall establish and include in their Action Plans such post-hearing procedures as may be necessary to provide the public with an opportunity to obtain current information on the development of projects through the PS&E approval stage and to discuss with highway agency representatives those details of the proposed project which have a direct effect on particular groups or individuals. In all cases the post-hearing involvement procedures shall provide for effective public notification of the Division Engineer's action with respect to location and design.

8. REIMBURSEMENT FOR PUBLIC INVOLVEMENT EXPENSES

Public hearings as well as "Prehearing" and "Posthearing" involvement sponsored by the highway agency are integral parts of the preliminary engineering process. Reasonable costs associated with these activities are eligible for reimbursement with Federal aid.

APPENDIX A

(Legislative Authority)

Title 23, Sec. 109.(h)

(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

- (1) air, noise, and water pollution;
- (2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;
- (3) adverse employment effects, and tax and property value losses;
- (4) injurious displacement of people, businesses and farms; and
- (5) disruption of desirable community and regional growth.

Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

Title 23, Sec. 128.

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway. Such certification shall be accompanied by a report which indicates the consideration given to the economic, social, environmental, and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification and report.



Title 23, Sec. 134.(a)

(a) It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the States, as authorized in this title, in the development of long-range highway plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project.



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

POLICY AND PROCEDURE MEMORANDUM

Transmittal 257
September 7, 1972

HEV-10

RS-B/37/2

1. MATERIAL TRANSMITTED

PPM 90-1, Environmental Impact and Related Statements.

2. EXISTING ISSUANCES AFFECTED

Supersedes PPM 90-1 dated August 24, 1971.

3. COMMENTS

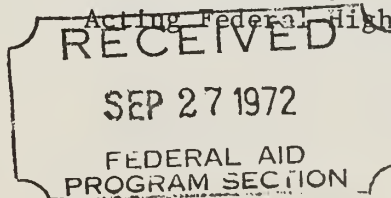
PPM 90-1 has been revised to clarify the language on the responsibilities of FHWA in the preparation and processing of the environmental statement as required by 42 U.S.C. 4332(2)(C). In addition, the revised PPM has:

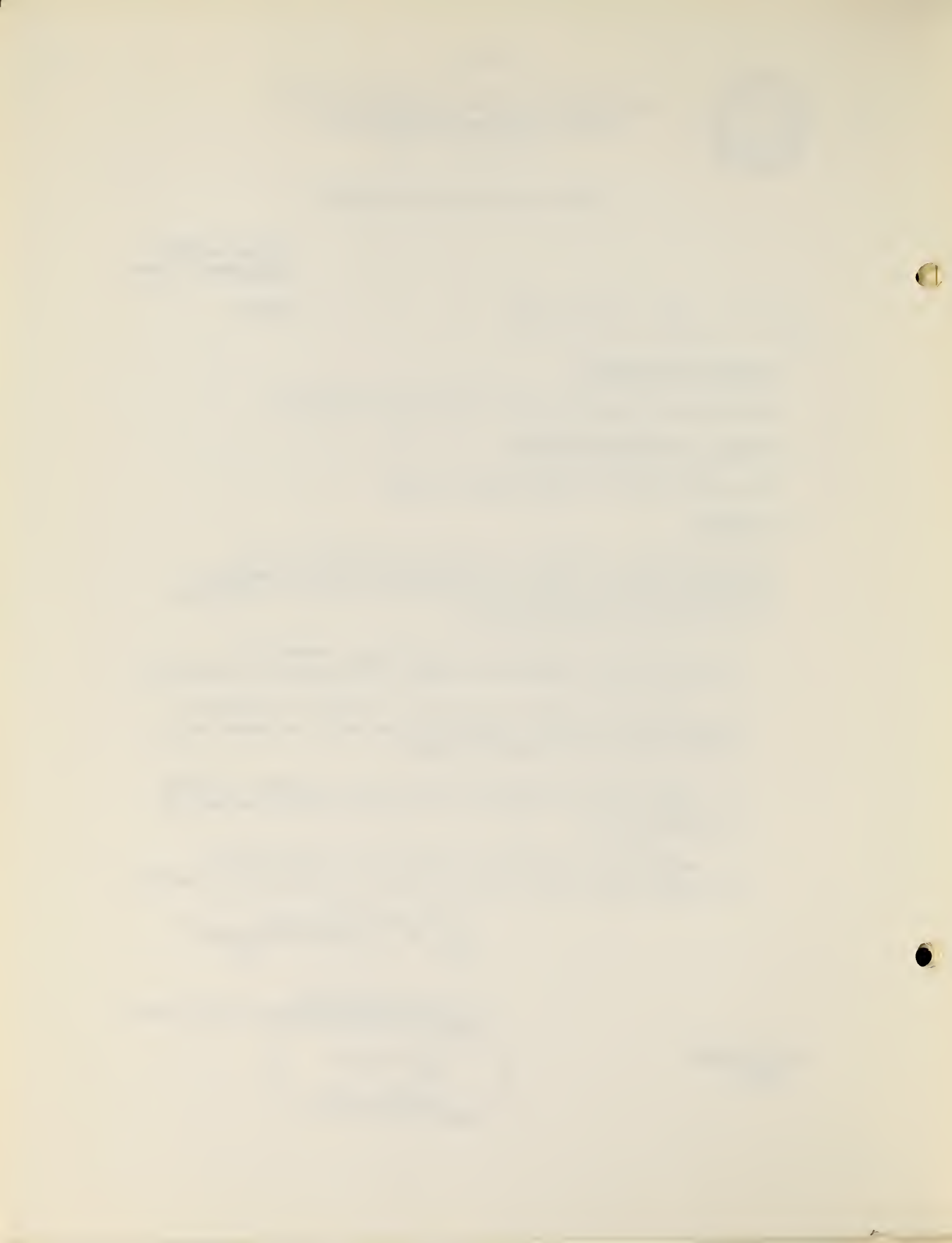
- a. stressed the importance of utilizing a systematic, interdisciplinary approach in making environmental assessments;
- b. improved the format of the final statement so that the disposition of comments received on the draft statement can be easily located in the final document;
- c. required that notice be placed in the newspapers advising the public where the statement can be seen and how copies can be obtained; and
- d. established a numbering system for all environmental statements being filed with the Council on Environmental Quality.

R. R. Bartelsmeyer

R. R. Bartelsmeyer
Acting Federal Highway Administrator

DISTRIBUTION:
Basic





POLICY AND PROCEDURE MEMORANDUM

Transmittal 257

90-1

September 7, 1972

ENVIRONMENTAL IMPACT AND RELATED STATEMENTS

- Par. 1. Purpose
2. Authority
3. Definitions
4. Policy
5. Application
6. Procedures

Appendix A - Procedures on Historic Preservation
Appendix B - Example of Design Concurrence Letter
Appendix C - Location Stage Flow Chart
Appendix D - Design Stage Flow Chart
Appendix E - Environmental Statements Contents and Format
Appendix F - Evaluating Highway Section Environmental Effects
Appendix G - Inter-Agency Review of Draft Environmental Statements
Appendix H - Selections from PPM 20-8, for Use in Preparing Environmental Statements
Appendix I - Purchasing Copies of Environmental Statements

1. PURPOSE

To provide guidelines to highway departments and Federal Highway Administration (FHWA) field offices to assure that the human environment is carefully considered and national environmental goals are met when developing federally financed highway improvements.

2. AUTHORITY

a. Section 4332(2)(C), Title 42, United States Code (popularly known as Section 102(2)(C) of the National Environmental Policy Act of 1969, P. L. 91-190) states in part that all agencies of the Federal Government shall:

"include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible officials on ---

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, shall accompany the proposal through the existing agency review processes."

b. Section 1653(f), Title 49, United States Code 1/, Section 138, Title 23, United States Code, (hereafter referred to as "Section 4(f)") permits the Secretary of Transportation to approve a program or project which requires the use of publicly owned land from a park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State or local officials having jurisdiction thereof, or land from an historic site of national, State, or local significance as so determined by such officials (hereafter "Section 4(f) land") only if:

(1) there is no feasible and prudent alternative to the use of such land, and

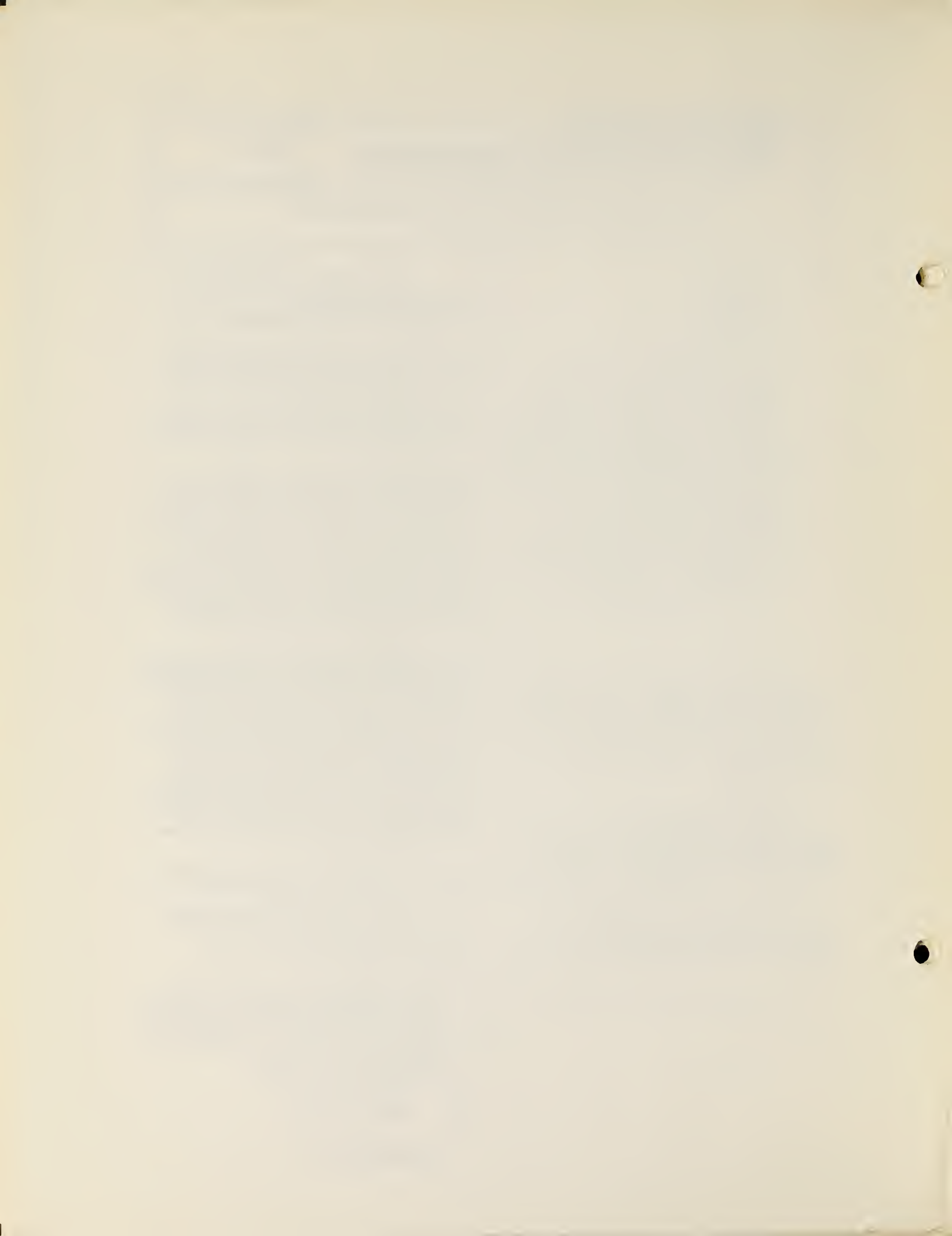
(2) such program includes all possible planning to minimize harm to the Section 4(f) land resulting from such use.

1/ Section 1653(f), Title 49, United States Code, is identical to Sections 138, Title 23, United States Code, and 4(f) of the Department of Transportation Act as amended by Section 18 of the Federal-Aid Highway Act of 1968."

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c. Section 470f, Title 16, United States Code 2/ provides that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

d. Section 1857h-7, Title 42, United States Code (popularly known as Section 309 of the Clean Air Act of 1970 - P.L. 91-604), provides:

"(a) The Administrator (Environmental Protection Agency) shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this chapter or other provisions of the authority of the Administrator, contained in any . . . (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which Section 4332 (2)(C) of this Title applies . . . Such written comment shall be made public at the conclusion of any such review."

3. DEFINITIONS (as used in this memorandum)

a. Highway Section - a substantial length of highway between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study. (See paragraph 6).

b. Federal Agency Decision - FHWA approval of the location of a highway improvement (approval of the design; right-of-way acquisition; the plans, specifications, and estimates (PS&E) or authorization to construct a project within the highway section is not, for the purposes of this memorandum, an additional agency decision.)

2/ This requirement is also found in Section 106 of the National Historic Preservation Act of 1966.

(1) A decision for a change in either the highway location or design (See paragraph 6p) of sufficient magnitude to require a public hearing or which significantly alters the environmental impact discussed in the statement previously filed would be the basis to prepare and process a supplemental environmental statement.

c. Environmental Statement - a written statement containing an assessment of the anticipated significant beneficial and detrimental effects which the agency decision may have upon the quality of the human environment for the purposes of:

(1) assuring that careful attention is given to environmental matters,

(2) providing a vehicle for implementing all applicable environmental requirements, and

(3) to insure that the environmental impact is taken into account in the agency decision.

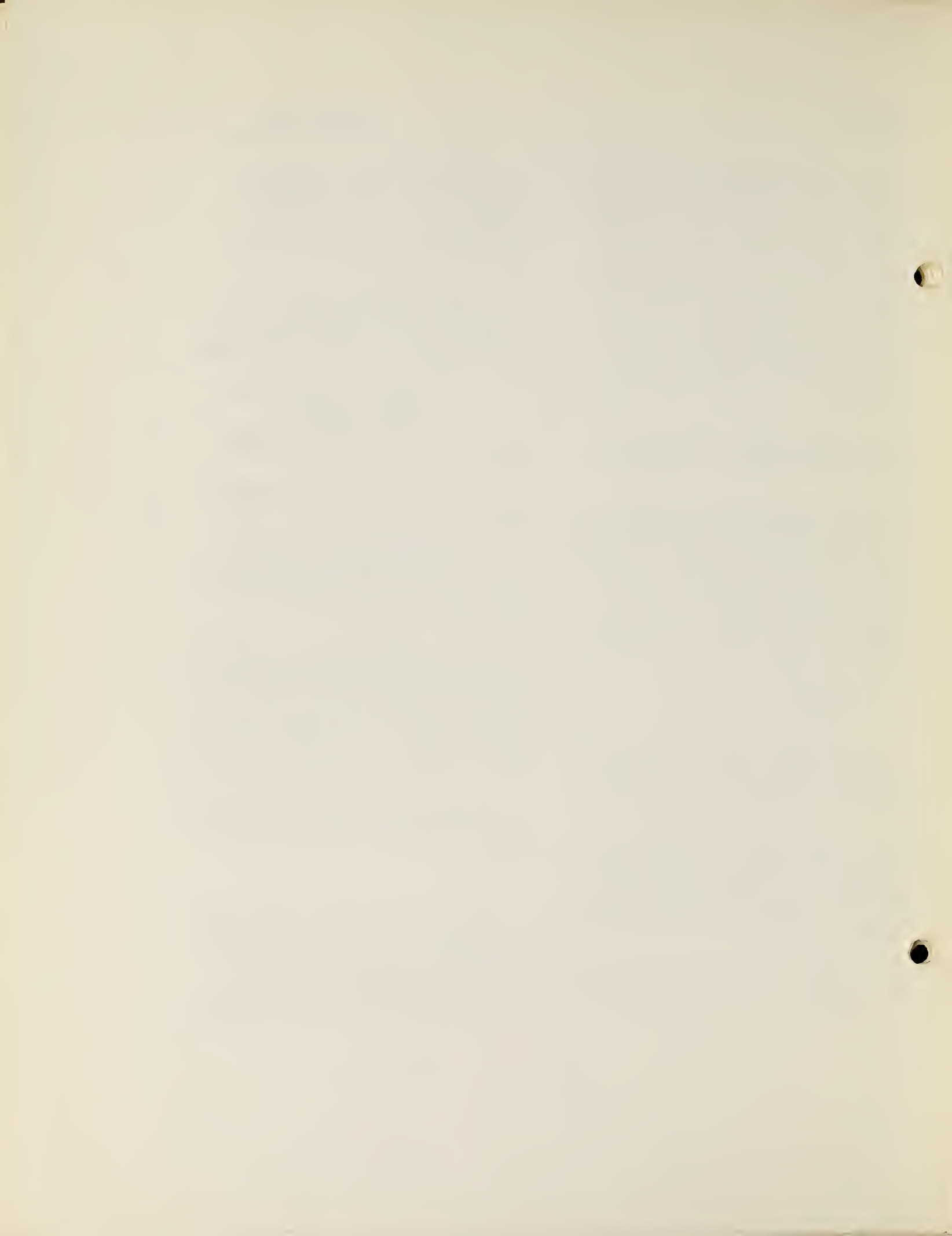
d. Negative Declaration - a written document in support of a determination that, should the proposed highway section improvement be constructed, the anticipated effects upon the human environment will not be significant.

e. Highway Agency (HA) - the agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of the highway. For highway sections financed with Federal-aid highway funds, the HA will normally be the appropriate State highway department. For highway sections financed with other funds, such as Forest highways, Park roads, etc., the HA will be the appropriate Federal or State highway agency.

f. Human Environment - the aggregate of all external conditions and influences (aesthetic, ecological, biological, cultural, social, economic, historical, etc.) that affect the life of a human.

4. POLICY

It is a national policy that all Federal agencies promote efforts for improving the relationship between man and his environment and to make special effort for preserving the natural beauty of the countryside and public park and recreational lands, wildlife and waterfowl refuges, and historic sites. It is also national policy that Federal agencies consult with other



appropriate Federal, State, and local agencies; assess in detail the potential environmental impact in order that adverse effects are avoided and environmental quality is restored or enhanced, to the fullest extent practicable; and utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment. The environmental assessments include the broad range of both beneficial and detrimental effects.

5. APPLICATION

a. An environmental statement or combined environmental/Section 4(f) statement or negative declaration, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section proposed for construction with funds administered by the FHWA, including in appropriate cases any section financed from funds transferred to the FHWA from other agencies, which receives or received design approval (see paragraph 5e) on or after February 1, 1971.

b. An environmental statement or combined environmental/Section 4(f) statement, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section which received design approval on or after January 1, 1970, and before February 1, 1971, and which constitutes a major action significantly affecting the environment (see Appendix F, paragraphs 2 and 3) if, in the judgment of the FHWA division engineer, implementation of the National Environmental Policy Act to the fullest extent possible requires preparation and processing of an environmental statement. In making his judgment the FHWA division engineer should consider, in addition to the written reassessment prepared by the HA (see paragraph 5c) for each such highway section, the status of the design; right-of-way acquisition including demolition of improvements within the right-of-way; number of families already rehoused and those yet to be rehoused; construction scheduling; benefits to accrue from the proposed highway improvement; significant impacts; and measures to minimize any adverse impacts of the highway.

c. Highway sections which received design approval on or after January 1, 1970, and before February 1, 1971, that are classed as a major action are to be reassessed by the HA in consultation with the FHWA division engineer or his representative. The written reassessment should consider if the highway plans were developed in such a manner as to minimize adverse environmental consequences.

d. A highway section involving an historic site included in the National Register of Historic Places shall be coordinated with the State Liaison Officer for Historic Preservation and representatives of the Office of Archeology and Preservation of the National Park Service, Department of the Interior, as set forth in Appendix A. The provisions of 16 U.S.C. 470f, should be satisfied before submitting the final environment/Section 4(f) statement to the FHWA (see paragraph 2c).

e. Design approval may be regarded as having been obtained prior to February 1, 1971, if any one of the following conditions is satisfied.

(1) Prior to the issuance of revised PPM 20-8 dated January 14, 1969, procedures of the FHWA did not require a HA to receive a formally documented FHWA design approval before undertaking right-of-way acquisition and/or preparation of the plans, specifications and estimate (PS&E). Therefore, design approval was that action or series of actions by which the FHWA indicated to the HA that the essential elements of the highway as set out in PPM 20-8 were satisfactory or acceptable for preparation of the PS&E. Such actions may have consisted of review and comments upon preliminary plans, schematic drawings, design studies, layouts or reports or unconditional approval to acquire all the right-of-way for a project. The HA shall identify those projects (both Federal-aid and non-Federal-aid) in the above category which it anticipates Federal-aid funds will be requested for a subsequent stage and furnish the FHWA division engineer for his concurrence a letter similar to Appendix B of this memorandum citing the document(s) or action(s) which it believes are equivalent to design approval. The FHWA division engineer's concurrence in the HA's determination will serve as verification that the previous actions or approvals were in effect design approval.

(2) Written approval by the FHWA of the design submitted in accordance with PPM 20-8.

(3) Similar type evidence that an official of the State highway department approved the design prior to February 1, 1971, for projects administered under an approved Secondary Road Plan. Such evidence need not be submitted to the FHWA division engineer for concurrence but shall be available in the State highway department's files.

f. A single environmental statement, or negative declaration, is applicable to jointly planned undertakings between the FHWA and other Federal agencies. The lead agency will

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be responsible for the appropriate document (i. e. the HA for a proposed highway section that also requires a U. S. Coast Guard action for bridge clearance over navigable water). Highway section proposals submitted for an FHWA approval shall include a copy of the statement prepared and processed by another Federal agency or reference to such a statement previously furnished to FHWA. A highway section in this category will generally be of the nature where there is no actual transfer of funds to the FHWA and the FHWA acts only in the capacity of a review agency or consultant advisor to the other Federal agency.

g. An environmental statement shall not be required in connection with any highway section that is urgently needed because of a national emergency, a disaster, a catastrophic failure, or similar great urgency. The HA may request and the FHWA may exempt such urgently needed highway sections from the environmental statement requirement after consultation with the Office of the Secretary of Transportation and the Council on Environmental Quality.

6. PROCEDURES (See Appendixes C and D for a flow chart)

The highway section included in an environmental statement should be as long as practicable to permit consideration of environmental matters on a broad scope. Piecemealing proposed highway improvements in separate environmental statements should be avoided. If possible, the highway section should be of substantial length that would normally be included in a multi-year highway improvement program.

a. A proposal to develop or improve a highway section should be coordinated in the early stages with appropriate local, State, and Federal agencies (PPM 20-8 and IM 50-1-70). Initiation of coordination at the beginning of the location study will assist in identifying natural and cultural areas of significance, agency and public concerns, and help in determining the need for and preparation of an environmental statement. Existing coordination mechanisms, such as above cited, (public hearings, Office of Management and Budget Circular No. A-95 reviews) and other established procedures for coordination should be used to the greatest extent practicable.

(1) The information obtained through coordination and the highway studies (technical, engineering, social, economic, and environmental, as appropriate) should be used in making an assessment of the potential environmental impact (both beneficial and detrimental) of the proposed action. This environmental assessment should be accomplished utilizing a systematic, interdisciplinary approach to

assure that proper consideration is given to the identification and evaluation of potential environmental impacts. This environmental assessment, performed in consultation with FHWA for all projects, will provide the basis for determining whether an environmental statement will be prepared.

(2) The environmental statement and/or Section 4(f) statement may be a part of the study report for the highway location, if desired; however, if included in the study report, the statements are to be consolidated in one place in the report and in a form that can be reproduced separate from the report.

b. A draft environmental statement shall be prepared only for those sections for which the HA or division engineer determine that construction and operation of the highway section will have a significant impact upon the environment. Appendix F lists guidelines to assist in determining significant impacts associated with the construction and operation of a highway. In addition, the HA or FHWA may wish to consult other local, State and Federal agencies with specific expertise when determining the significance of an impact. The draft environmental impact statements, including Section 4(f) information, shall be prepared and circulated by the HA in cooperation with the FHWA during the location study. A representative of the FHWA division office shall indicate his review and adoption of the draft environmental statement by signing and dating before it is released for comment.

c. The draft environmental statement, including necessary Section 4(f) information when required, is to be circulated by the HA to the appropriate agencies (see Appendix G) for comment, and made available to the public not later than the first required notice of location public hearing (30 to 40 days before date of hearing) or notice of opportunity for a public hearing as set out in PPM 20-8 (see Appendix H). If the highway section qualifies for exemption from public hearing procedures, a draft environmental statement, if required, (including necessary Section 4(f) information) is to be prepared and circulated for comment, and made available to the public as early as practicable. Regardless of whether or not there is a public hearing, a notice should be placed in the newspaper advising the public that the draft environmental impact statement is going to be circulated for review and comment. The notice should include information on where the statement is available for review and how copies can be obtained.

(1) The HA shall request a determination of significance from the Section 4(f) lands agency and include the letter requesting such determination and the determination, if received, as exhibits to the draft statement.

(2) An additional location or design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft environmental statement for those projects which were processed in accordance with procedures in effect at the time.

(3) The comments received on the draft statement are to be made available at the HA office for public review.

d. The HA shall furnish 17 copies of each draft environmental statement to the FHWA division engineer who shall distribute 16 copies to the following recipients:

FHWA Regional Office	1
FHWA (to the Office of Environmental Policy, HEV-10)	2
DOT's Office of Environment and Urban Systems (TEU)	3
Council on Environmental Quality (CEQ)	10
722 Jackson Place, NW, Washington, D.C. 20006	

NOTE: The HA is to make distribution to all other required local, State, and Federal agencies (see Appendix G).

e. The HA shall announce the availability of and briefly explain the draft environmental statement or negative declaration in its presentation at the location public hearing (or at the highway design hearing when a draft statement is prepared and circulated in conjunction with design studies).

f. The HA may establish a date not less than 30 days from the date of transmittal, plus a normal time for mail to reach and be returned from the recipient, for return of the comments, except 45 days plus mailing time shall be allowed for the Environmental Protection Agency (EPA) to comment. The FHWA division engineer should include a similar time period (30 days plus mailing) for return of comments in his distribution correspondence. If an agency does not respond by the indicated date, the HA may assume the agency had no comments. The HA should endeavor to grant requests for a time extension of up to 15 days for return of comments unless a 45 day review period, plus mailing time, was originally established.

g. Draft environmental statements shall be available for review by the public at the HA headquarters; the State, regional, and

metropolitan clearinghouses; the FHWA division, regional, and headquarters offices; and at the appropriate public hearings. The HA and FHWA may charge non-governmental individuals and organizations for copies of environmental statements in accordance with established fee schedules.

(1) The public and private organizations may also order copies of draft and final environmental statements from the National Technical Information Service, U. S. Department of Commerce (See Appendix I).

h. Similar procedures apply to highway sections which have received location approval but did not have design approval before February 1, 1971. In such instances the environmental statement, combination environmental/Section 4(f) statement or negative declaration shall be prepared and processed during the design studies. The final environmental statement or negative declaration for such highway sections shall be furnished to FHWA before or with the request for design approval. If the design public hearing was held prior to the issuance of this memorandum, an additional design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft statement. All other requirements for circulation for comment and availability to the public will apply.

i. The HA shall prepare a final environmental statement or combined environmental/4(f) statement in consultation with the FHWA for each project for which it prepared and circulated a draft environmental statement following the format in Appendix E. The final statement shall include a copy of all comments received and the consideration and disposition of environmental comments raised at the public hearing and on the draft statement. The correspondence included in the final statement should contain marginal notes indicating where in the statement the comments are treated or discussed (any other suitable method of showing where the comments are discussed is satisfactory).

j. FHWA review and adoption of the final environmental statement shall be the responsibility of the Regional Federal Highway Administrator. The Regional Federal Highway Administrator shall indicate his adoption by signature thereon, and forward 15 signed copies of the final statement to the Office of Environmental Policy, HEV-10. A copy of a signed statement may also be returned to the originating office. The HA and FHWA may, upon request of an individual or organization, make a copy of the statement as signed by

the Regional Federal Highway Administrator available, but such document should be marked "NOT Official - Subject to Approval by U. S. Department of Transportation."

k. FHWA's Office of Environmental Policy shall be responsible for:

- (1) submitting copies of the final statement to TEU,
- (2) forwarding copies of the final statement to CEQ,
- (3) informing the Regional Federal Highway Administrator when CEQ is furnished copies of the final statement.

l. The Regional Federal Highway Administrator shall be responsible for:

(1) assuring that a copy of the final statement as sent to CEQ is furnished the HA; the appropriate State, regional, and metropolitan clearinghouses; and the FHWA division, and

(2) assuring that the following time limitations have expired prior to FHWA's approval of the location (or design if the location was previously approved).

(a) Ninety (90) days have expired since the draft environmental statement was circulated for comment, sent to CEQ (post-marked), and made available to the public as described in 6g.

(b) Thirty (30) days have expired since the final environmental statement was made available to both CEQ and the public. This time period may run concurrently with the ninety (90) day period.

m. Negative declarations shall be prepared by the HA when the anticipated impact of construction and operation of a highway section is determined to be not significant (not of major importance). Appendix F outlines several types of highway section improvements which may warrant a negative declaration; however, each highway section should be evaluated to determine whether its impact is significant. Their purpose is to include in the written record evidence that the highway section was evaluated and a determination made that it would have no significant effect upon the quality of human environment. They should be based on the information developed during the highway study and coordination with local, State, and Federal agencies.

n. A negative declaration need not be circulated for comment, but its availability should be included in the notice of the public hearing or opportunity for public hearing. The

FHWA division engineer shall concur in the negative declaration before he approves the location or design, whichever is appropriate.

o. The HA or FHWA may, based upon comments at the public hearing, rescind a negative declaration and prepare and process an environmental statement if in their judgment significant impacts have been identified which were not previously considered. It would not be necessary in such instances to hold additional public hearings for the purpose of presenting the draft environmental statement.

p. The HA shall include reference to the previous environmental statement, negative declaration, or reassessment when requesting design approval, authorization for right-of-way acquisition, approval of PS&E, and construction authorization.

(1) A new environmental statement, or a supplemental statement will be necessary for a highway section when the proposal being processed introduces a new or changed environmental effect of significance to the quality of environment. The FHWA may also request an environmental statement for a highway section which received design approval before February 1, 1971, when in its judgment changes in the highway subsequent to the reassessment (see paragraph 5c) introduce significantly different impacts on the environment.

(2) A supplemental statement is to be processed in the same manner as a new environmental statement. Where the need for a supplemental statement results from the use of Section 4(f) land only, a Section 4(f) statement may be prepared in lieu of a supplemental environmental statement and coordinated with the Departments of the Interior and Housing and Urban Development by the HA. The coordinated Section 4(f) statement, with comments and suggestions and the HA disposition of same, shall be furnished to the FHWA for appropriate processing.

q. State highway agencies operating in accordance with a Secondary Road Plan approved pursuant to 23 U. S. C. 117 have the responsibility for approval of most Federal-aid project actions, including the highway location and design. However, environmental statements and negative declarations require Federal approvals as indicated in this memorandum.

R. R. Bartelsmeyer

R. R. Bartelsmeyer
Acting Federal Highway Administrator

Attachments

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PROCEDURES FOR HISTORIC PRESERVATION

1. The provisions of 16 U. S. C. 470(f) require that all proposed highway sections that are federally assisted be developed with consideration to effected districts, sites, buildings, structures, or objects that are included in the National Register for Historic Preservation. This authority derives from Section 106 of the National Historic Preservation Act. Procedures for compliance have been implemented by the Advisory Council on Historic Preservation, and the National Park Service, Department of the Interior, as follows:

a. At the earliest stage of planning or consideration of any undertakings carried out, licensed, or financially assisted by the Federal Government, the HA and FHWA should follow these steps:

(1) Consult the National Register of Historic Places to determine if a National Register property is involved in the undertaking. The National Register is maintained by the Office of Archeology and Historic Preservation, National Park Service, and monthly addenda are published in the FEDERAL REGISTER.

(2) Apply the "Criteria for Effect." If there is no effect, the undertaking may proceed. (See paragraph 3 of this appendix.) This determination of effect should be made by the HA in consultation with the division engineer, the State Liaison Office and a representative of the Office of Archeology and Historic Preservation. If there is documented agreement that a project will not have an effect on the National Register Historic Site, no further review is required under the National Historic Preservation Act.

(3) If there is an effect, the HA in consultation with the FHWA division engineer, State Liaison Officer ^{1/} and a representative of the Office of Archeology and Historic Preservation of the National Park Service shall:

(a) Determine if the effect is adverse--if not, the undertaking may proceed;

(b) Upon finding an adverse effect, select and agree upon a prudent and feasible alternative to remove the adverse effect, in which case the undertaking may proceed;

(c) Failing to find and agree upon an alternative, recommend all possible planning to minimize the adverse effect and delay further

^{1/} State Liaison Officers are appointed by the Governors to be responsible for State activities under the National Historic Preservation Act.

processing of the undertaking pending the receipt of comments from the Advisory Council.

(4) Provide written notice affording the Advisory Council an opportunity to comment upon doubtful or unresolved situations of adverse effect and upon request submit a report of the undertaking.

2. If there is a finding of adverse effect, the proposed highway section is to be processed in accordance with these procedures and the Office of Environmental Policy should be notified and kept informed of further developments. If it becomes necessary to provide a written notice affording the Advisory Council on Historic Preservation an opportunity to comment in doubtful or unresolved situations of adverse effect, the Office of Environmental Policy will act as the coordinating element for the FHWA.

3. Criteria for Effect

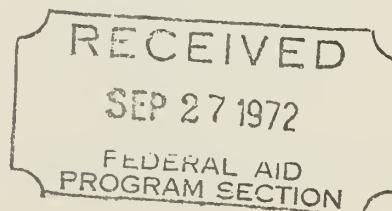
a. A federally financed or licensed undertaking shall be considered to have an effect on a National Register listing (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking creates a change in the quality of the historical, architectural, archeological, or cultural character that qualified the property under the National Register criteria for listing in the National Register.

b. Generally, adverse effect occurs under conditions which include but are not limited to:

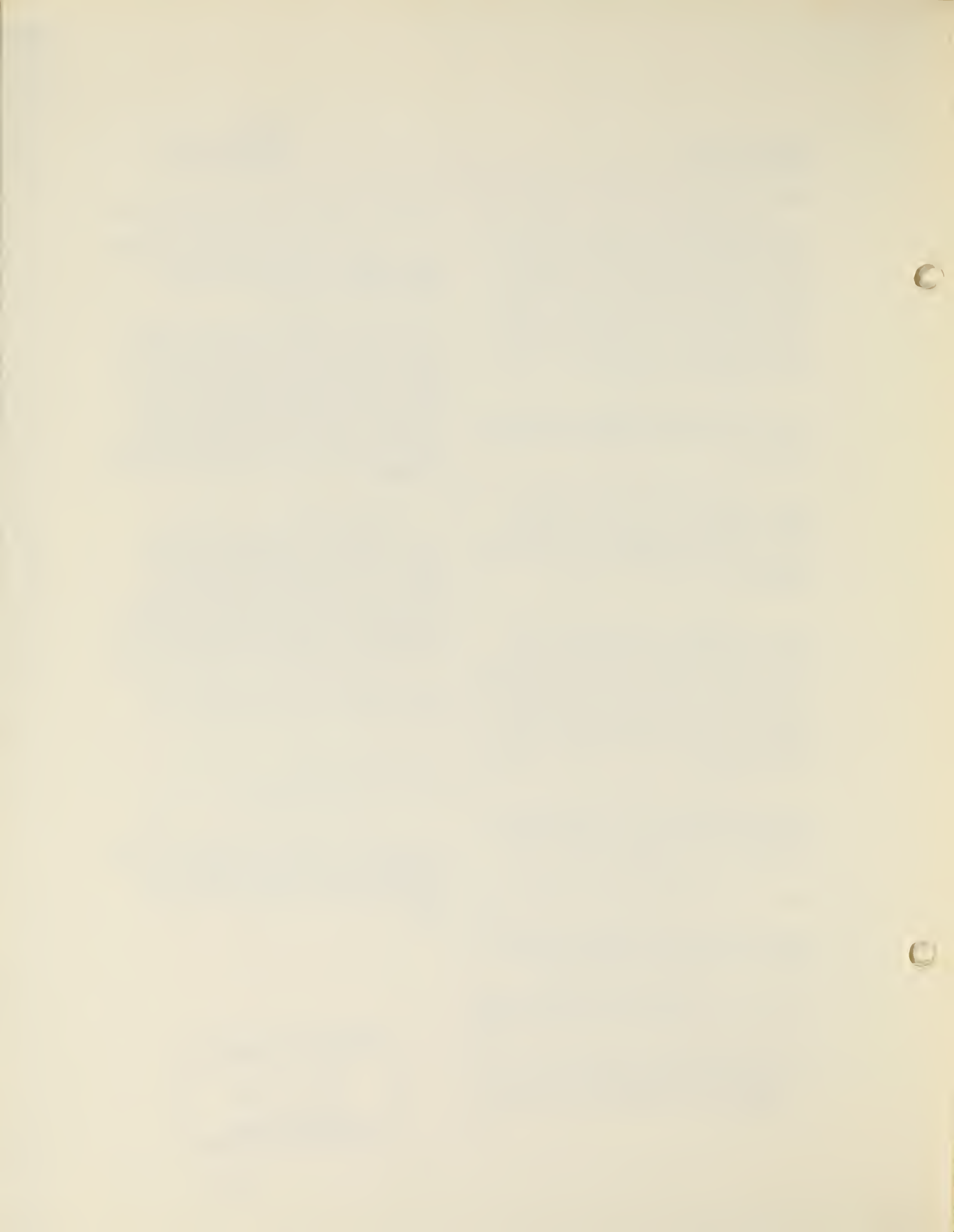
(1) Destruction or alteration of all or part of a property;

(2) Isolation from or alteration of its surrounding environment;

(3) Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting (i.e. introduction of a new highway or a higher type functional highway, such as a freeway for an arterial, into the environment of a historic site).



JN



EXAMPLE OF DESIGN CONCURRENCE LETTER

Mr. John Doe
Division Engineer
Federal Highway Administration

Dear Mr. Doe:

The initial phases (PE - ROW) for the proposed improvement of State Route 35 between State Route 64 and Springfield were accomplished without Federal-aid highway funds. Preliminary drawings, which included the elements outlined in paragraph 10b(1)(b) of PPM 20-8, were commented upon in your letters of August 18, 1966, and September 12, 1967. We have, therefore, determined that your review and comments were equivalent to design approval of this project.

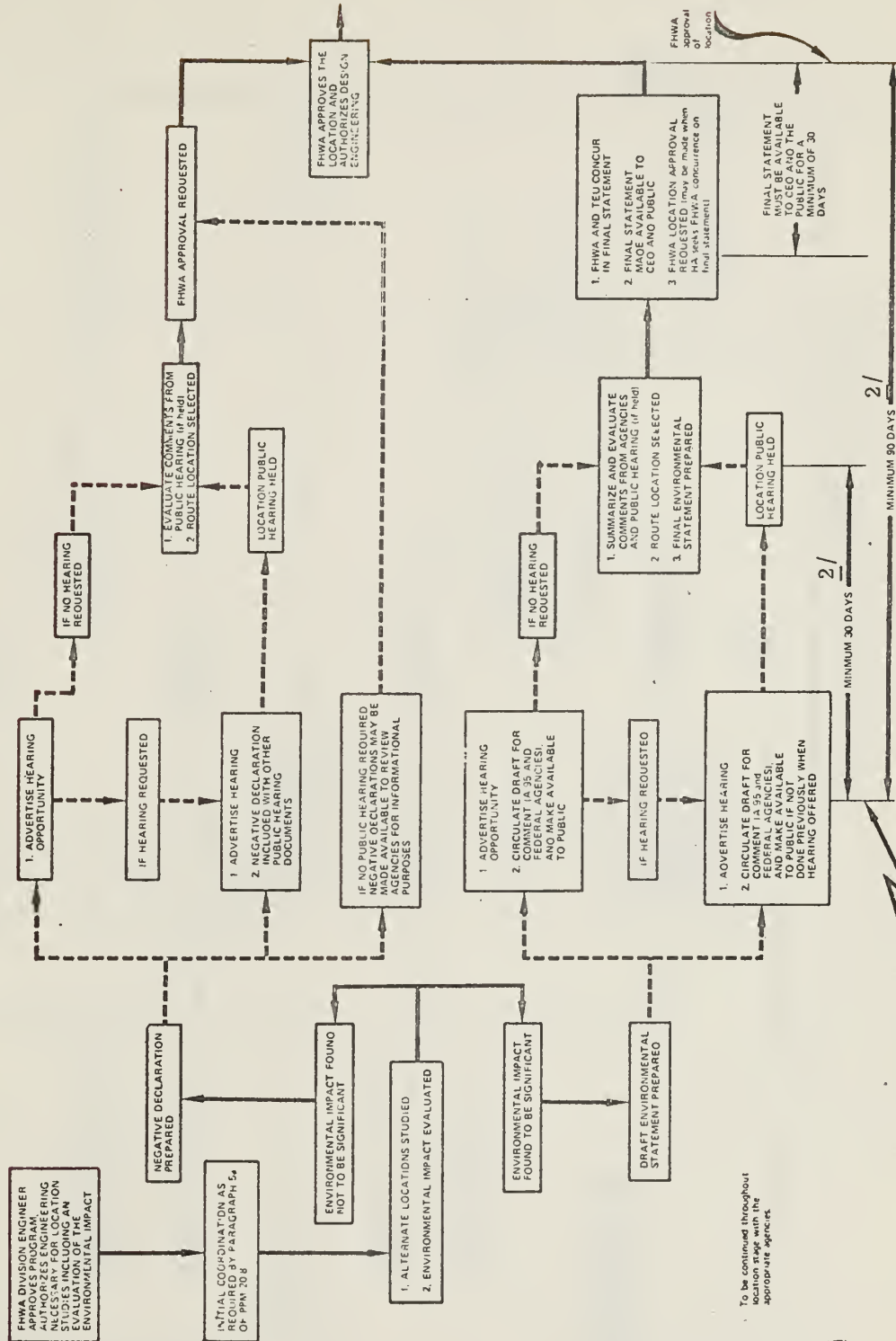
For your convenience we have included below a space for your concurrence in our determination.

Sincerely,

Endorsement to (SHD)

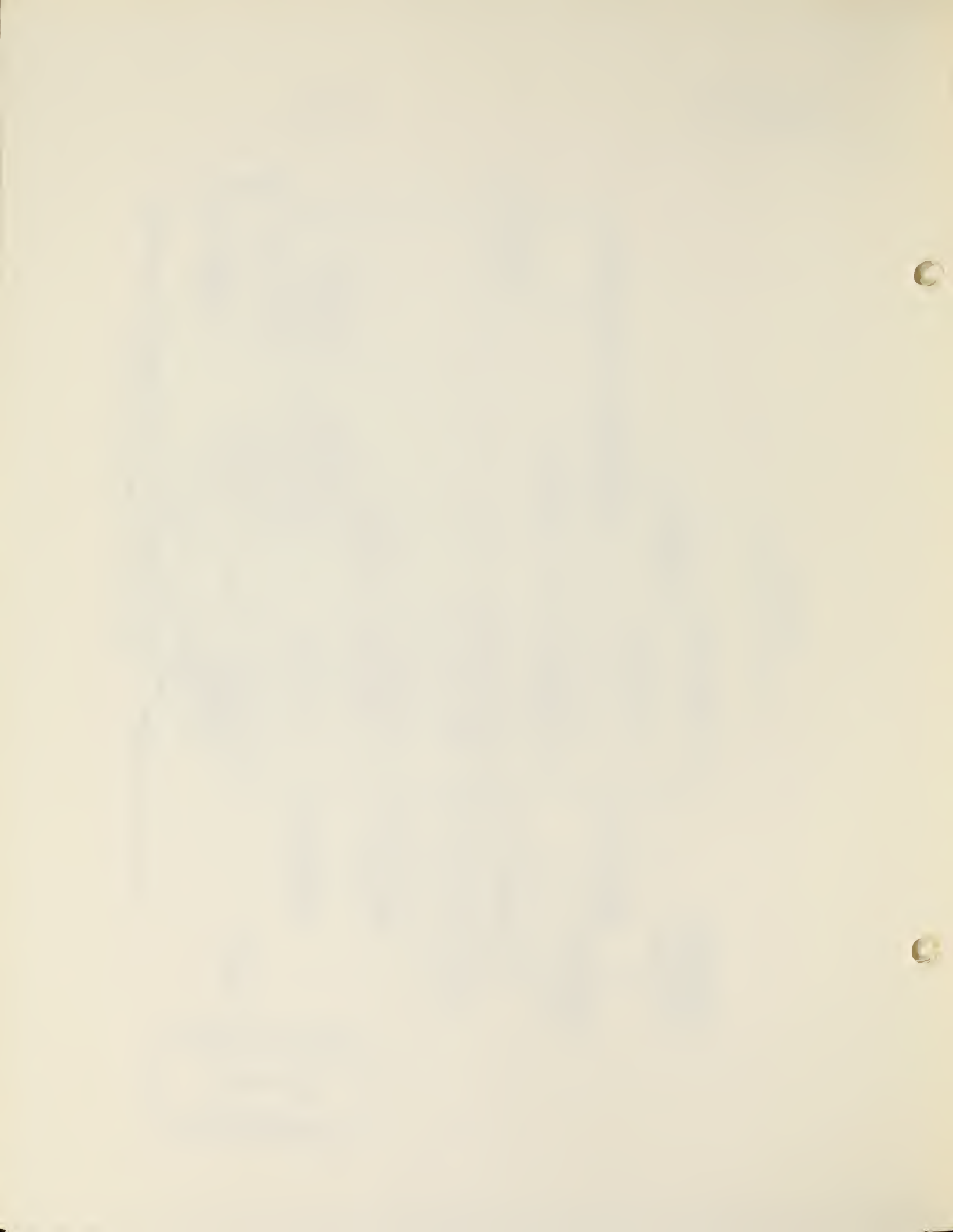
Concur _____ Date _____

APPENDIX C
LOCATION STAGE FLOW CHART



2/ Does not apply to negative declarations

RECEIVED
SEP 27 1972
FEDERAL AID
PROGRAM SECTION



ENVIRONMENTAL STATEMENTS -
CONTENTS AND FORMAT

1. Environmental statements and combination environmental/Section 4(f) statements (draft and final) shall have a title page similar to the examples attached to this Appendix and numbered by the method shown.

2. The following sections, as a minimum, are to be covered in environmental statements:

a. A description of the proposed highway improvement and its surroundings. The description should include the following type information: type of facility; length; termini; traffic data; right-of-way width (including existing ROW); lengths on existing and new location; major design features such as number of lanes, access control, location of bridges and interchanges, etc.; a general description of the surrounding terrain, existing land use and proposed land use (a map preferable), and other existing environmental features; existing highway facilities including their deficiencies; the need for the proposal; the benefits to the State, region, and community; an estimate of when the proposal will be constructed; and the current status of the proposal with a brief historical resume. Inventory of economic factors such as employment, taxes, property values, etc., should be included as appropriate. The description should also include any involvement with Section 4(f) land (Paragraph 3 of this Appendix). A vicinity map(s) shall be furnished which will show the proposed highway section and its relationship to surrounding natural and cultural features such as towns, lakes, streams, mountains, historic sites, landmarks, institutions, developed areas, principal roads and highways and similar features that are pertinent to a highway study. Detailed maps, sketches, pictures, and other visual exhibits should be used to show specific environmental involvements as necessary. Maps and layouts of the proposed highway/Section 4(f) land involvement should be sufficiently detailed to give a layman reviewer a reasonable understanding of the highway impact and proposed measures to minimize harm.

b. The probable impact of the proposed development or improvement. The evaluation and discussion should specifically emphasize significant beneficial and detrimental environmental consequences upon the State or region or community, as appropriate, of building a new highway into or through an area, or modernizing the existing highway by upgrading and/or relocation.

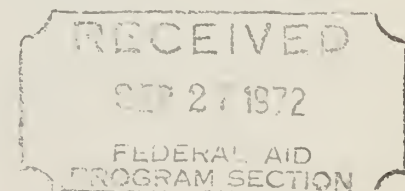
(1) This section, for instance, would discuss and evaluate the broad impacts on the area or region such as the problems relating

to anticipated increase in urbanization or the probable impact of displacing people (if these are significant elements of the highway proposal). Efforts to minimize impact should also be discussed in broad items. For example, measures necessary to insure proper rehousing should be discussed and other differences of the alternatives. The significant environmental impacts of alternative locations and, as appropriate, designs, including a "do nothing" alternative is a proper subject for discussion under "Alternatives" paragraph 2d of this Appendix.

(2) Impacts upon the narrow band (i. e., about 1000 feet) adjacent to the highway may be included when significant to the whole of the region or community. However, the discussions under this section should address the probable significant impacts of the highway proposal (as opposed to individual alternative locations or designs) which might include the probable impact upon such elements, factors, and features listed in paragraph 3 of Appendix F.

c. Any probable adverse environmental effects which cannot be avoided should the proposal be implemented such as water or air pollution, effect upon Section 4(f) land, damage to life systems, urban congestion, threats to health or other consequences adverse to the environment identified under paragraph 2b of this Appendix. Adverse effects should include those which cannot be reduced in severity and those which can be reduced (but not eliminated) to an acceptable level unless the reduction is a result of a different location in which case it should be included in the discussion of alternatives (paragraph 2d of this Appendix).

d. Alternatives: The locations and/or designs studied in detail by the HA are to be described (narratively and with maps and other visual aids, as necessary) and the probable beneficial and/or adverse effects of each alternative (including a do-nothing alternative) identified to the extent practicable consistent with the scale of the proposed highway improvement and significance of the impact. The exploration of alternatives should include an objective evaluation and analysis of estimated costs (social and transportation), engineering factors, transportation requirements, and environmental consequences. The description of alternatives will include information, as appropriate, similar to that suggested in paragraph 2a of this Appendix. The discussion of environmental impacts will include more detailed impacts for each alternative that the broad environmental consequences for the corridor identified in paragraphs 2b and 2c of this Appendix. The draft environmental statement should indicate that all alternatives are under consideration and that a specific alternative will be



selected by the HA following the public hearing. The final environmental statement will be prepared for the selected alternative. Unless the final statement is included in the location study report (design report when prepared and circulated during design study), the final statement should include a brief discussion of the data supporting the selected alternative. This section should also include a discussion of alternatives to the use of Section 4(f) lands.

e. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. The short-term uses should be evaluated (construction, changes in traffic patterns, the taking of natural features such as ponds, etc., and man-made features such as homes, churches, etc.) as compared to the long-term effects (foreseen changes in land use resulting from the highway improvement or other similarly related items that may either limit or expand land use, affect water, air, wildlife, etc., and other environmental factors.)

f. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Highways require use of natural resources such as forest or agricultural land, however, these are generally not in sufficient quantity to be significant. The improved access and transportation afforded by a highway may generate other related actions that could reach major proportion and which would be difficult to rescind. An example would be a highway improvement which provides access to a nonaccessible area, acting as a catalyst for industrial, commercial, or residential development of the area.

g. Where unavoidable adverse environmental effects are encountered, planning and measures taken and proposed to minimize harm should be identified. These include procedural and standard measures which are required by standard specifications or standard operating procedures such as erosion control, stream pollution prevention, borrow pit screening or rehabilitation, fencing, relocation of people and businesses, land acquisition procedures, joint development, etc. Measures unique to a specific project should be discussed in detail. Examples of such would be depressing an urban highway to minimize audio and visual effects, providing buffer zones for esthetic purposes, replacement of parklands, etc.

h. Final statements shall incorporate all comments received on the draft (including environmental comments contained in the public hearing transcript) along with a discussion of the comments and suggestions. The HA shall describe its disposition of the comments and suggestions (e. g., revisions to the

proposed development or improvement to overcome anticipated problems or objections; reasons why specific comments and suggestions could not be accepted; factors of overriding importance prohibiting the incorporation of suggestions, etc.). This section may be added at the end of the review process in the final text of the environmental statement.

i. Measures to minimize harm to Section 4(f) lands should be included under a separate paragraph even though discussed elsewhere in the final statement.

j. Each draft and final environmental statement shall include a summary sheet. (See paragraph 4 of this Appendix.)

3. The following information, when pertinent and available, should be included in the combination environmental/Section 4(f) statements. (See paragraphs 2a, 2c, 2d, and 2i of this Appendix.) To the extent practicable, this information should be included in the draft to initiate the necessary interagency review.

a. The description of the project (see paragraph 2a of this Appendix) shall include information about the Section 4(f) land in sufficient detail to permit those not acquainted with the project to have an understanding of the relationship between the highway and park and the extent of the impact, such as:

(1) Size (acres or square feet) and location (maps or other exhibits such as photographs, slides, sketches, etc., as appropriate).

(2) Type (recreation, historic, etc)

(3) Available activities (fishing, swimming, golf, etc.).

(4) Facilities existing and planned (description and location of ball diamonds, tennis courts, etc.

(5) Usage (approximate number of users for each activity if such figures are available).

(6) Patronage (local, regional, and national).

(7) Relationship to other similarly used lands in the vicinity.

(8) Access (both pedestrian and vehicular).

(9) Ownership (city, county, State, etc.)

(10) If applicable, deed restrictions or reversionary clauses.

(11) The determination of significance by the Federal, State, or local officials having jurisdiction of the Section 4(f) land.

(12) Unusual characteristics of the Section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area).

(13) Consistency of location, type of activity, and use of the Section 4(f) land with community goals, objectives, and land use planning.

(14) If applicable, prior use of State or Federal funds for acquisition or development of the Section 4(f) land.

b. A description of the manner in which the highway will affect the Section 4(f) land (include within paragraph 2c of this Appendix) such as:

(1) The location and amount of land (acres or square feet) to be used by the highway.

(2) A detailed map or drawing of sufficient scale to discern the essential elements of the highway/Section 4(f) land involvement.

(3) The facilities affected.

(4) The probable increase or decrease in physical effects on the Section 4(f) land users (noise, fumes, etc.).

(5) The effect upon pedestrian and vehicular access to the Section 4(f) land.

c. A specific statement (with supporting reasons) that there is no feasible and prudent alternative. (Include in discussion of alternatives, paragraph 2d of this Appendix.)

d. Information to demonstrate that all possible planning to minimize harm is or will be included in the highway proposal. (See paragraph 2i of this Appendix.) Such information should include:

(1) The agency responsible for furnishing the highway right-of-way.

(2) Provisions for compensating or replacing the Section 4(f) land and improvements thereon, including the status of any agreements. (Include agreed upon compensation, replacement acreages, and type land, etc., when known.)

(3) Highway design features developed to enhance the Section 4(f) land or to lessen or

eliminate adverse effects (improving or restoring existing pedestrian or vehicular access, landscaping, esthetic treatment, etc.).

(4) Coordination of highway construction to permit orderly transition and continual usage of Section 4(f) land facilities (new facilities constructed and available for use prior to demolishing existing facilities, moving of facilities during off-season, etc.).

e. Evidence that the provisions of 16 U.S.C. 470(f) (Section 106 of the Historic Preservation Act of 1966) have been satisfied when National Register Properties are involved.

4. Summary Sheet

a. Check Appropriate Box(es)

Administrative Action

() Draft () Final

() Environmental Statement

() Combination Environmental/
Section 4(f) Statement

b. Brief description of highway improvement indicating route, termini, length, county, city, State, etc., as appropriate.

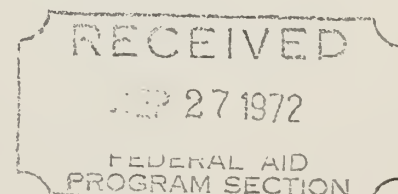
c. Summary of environmental impacts (identified in paragraphs 2b and 2c of this Appendix).

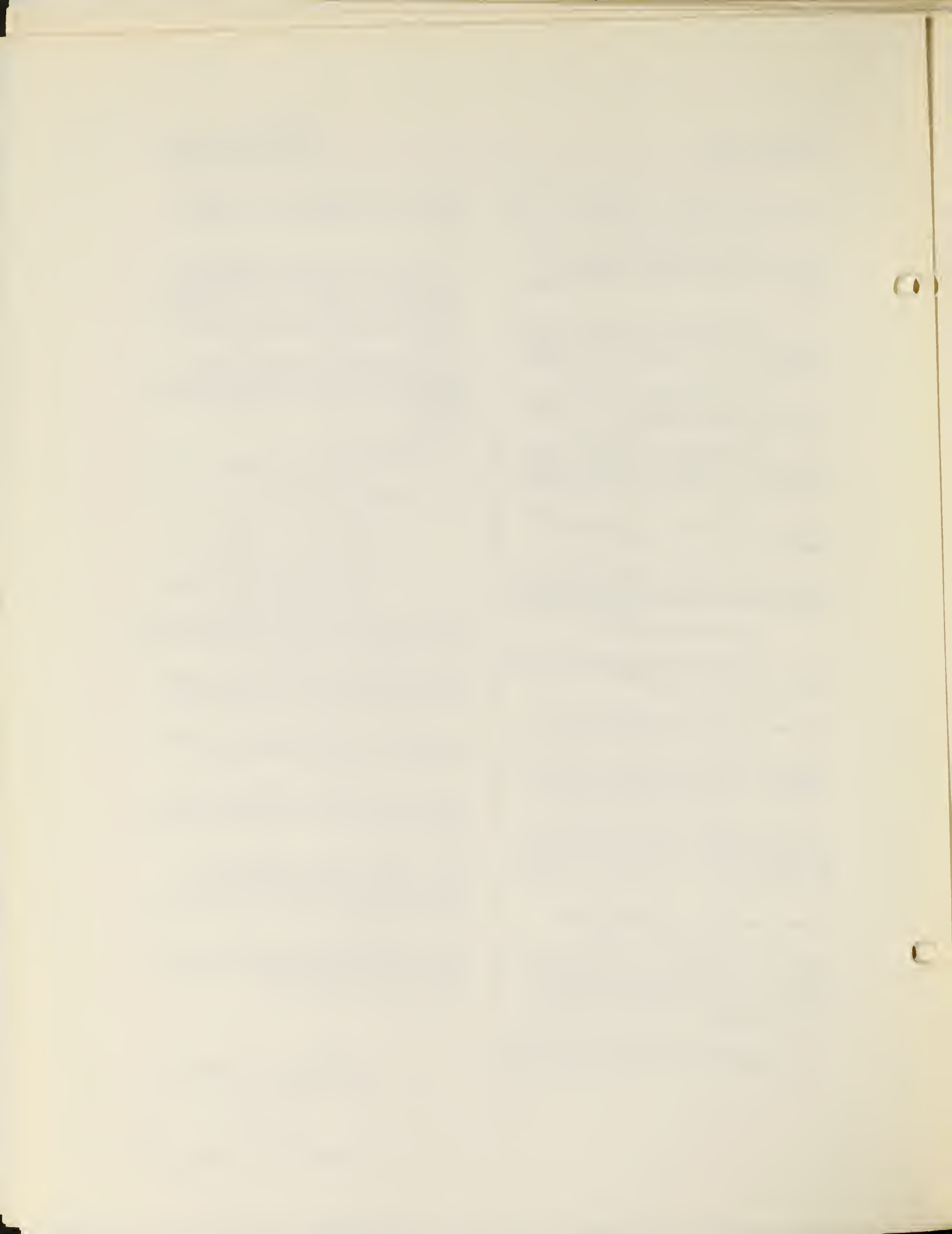
d. Summarize alternatives considered (as described under paragraph 2d of this Appendix).

e. (1) (For draft statements) List Federal, State, and local agencies and other organizations from which comments are being requested.

(2) (For final statements) List Federal, State, and local agencies and other organizations from which comments were requested and identify those that returned written comments.

f. Date draft statement was made available to CEQ (date mailed) which will also be considered the date the draft statement was made available to the public.





Report Number FHWA-State-EIS-Year-Number (Sequential for each State)-Draft or Final
(Example: FHWA-Az -EIS-72-01-D)

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
AND

Appropriate Highway Agency

DRAFT
FINAL
Whichever is appropriate

Environmental Statement or Environmental/Section 4(f) Statement

ADMINISTRATIVE ACTION

for

(Brief Description of Highway Improvement: Route, Termini, County, City, etc.)

THIS HIGHWAY IMPROVEMENT IS PROPOSED FOR FUNDING UNDER TITLE 23, UNITED STATES CODE. THIS IMPROVEMENT FOR THE IMPROVEMENT WAS DEVELOPED IN CONSULTATION WITH THE FEDERAL HIGHWAY ADMINISTRATION AND IS SUBMITTED PURSUANT TO:

42 U. S. C. 4332(2)(C)
and
(when applicable)
49 U. S. C. 1653(f)

FINAL ONLY

Date

Signature of Appropriate Highway Agency Official

Reserve 3" x 3" space for DOT approval

APPROVED AND ADOPTED BY THE FHWA

Date

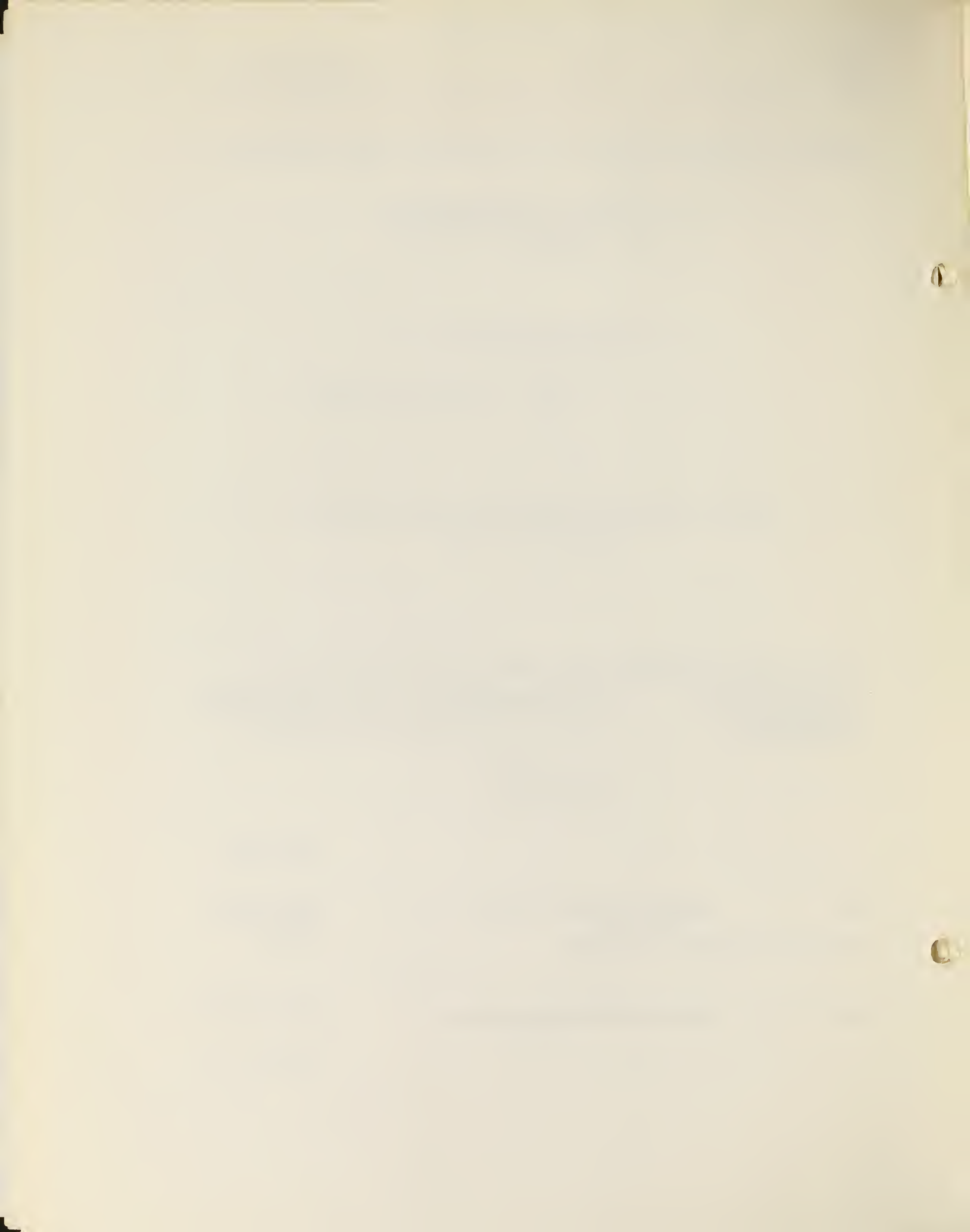
Signature of FHWA Reviewing Official

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CHIEF ENGINEER
RECEIVED

SEP 26 1972

SEND TO _____



The number placed at the top left-hand corner of the title page on all draft and final environmental statements is as follows:

FHWA-Az-EIS-72-01-D or F

FHWA - Name of Federal agency

Az - Name of State (cannot exceed four characters)

EIS - Environmental Impact Statement

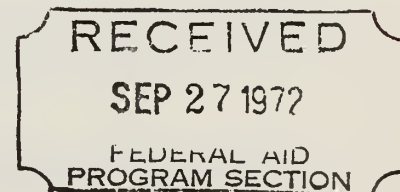
72 - Year draft statement was prepared

01 - Sequential number of statement for each calendar year

D or F - D-designates the statement as the draft statement

F-designates the statement as the final statement

The first draft statement prepared each year is numbered one (1) and other draft statements prepared in that same year are numbered sequentially in accordance with the date prepared. Final statements carry the same number based upon the date the draft was prepared.



EVALUATING HIGHWAY SECTION
ENVIRONMENTAL EFFECTS

1. Draft and final environmental statements should be prepared and processed in accordance with the procedures required by this memorandum for all highway sections falling under one or more of the following three categories:

a. Highway sections where organized opposition has occurred or is anticipated to occur.

b. Highway sections significantly affecting historic or conservation lands (public or private) independent of whether they are Section 4(f) cases.

c. Highway sections which are classed as major actions and are also likely to significantly affect the quality of the human environment. This category requires a two-step analysis. First, it must be determined if the proposed highway section is a major action (paragraph 2 of this Appendix); secondly, the significance of the effects upon the human environment must be determined (paragraph 3 of this Appendix).

2. The following should be used to determine whether a proposal to construct or improve a highway section is a major action.

a. Highway sections entirely or generally on new location.

b. Major up-grading of an existing highway section resulting in a functional characteristic change (e. g., a local road becoming an arterial highway). Such changes usually result by adding lanes, interchanges, access control, medians, etc., and require extensive right-of-way acquisition and construction (grading, base, paving, bridges, etc.) which have the potential of significantly affecting the human environment.

3. Any of the following highway sections should ordinarily be considered as significantly affecting the quality of the human environment.

a. A highway section that is likely to have a significantly adverse impact on natural ecological, cultural, or scenic resources of national, State or local significance.

b. A highway section that is likely to be highly controversial regarding relocation housing resources.

c. A highway section that divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by

the community in which the project is located or causes increased congestion.

d. A highway section which involves inconsistency with any national, State or local standard relating to the environment; has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; involves a possibility of contamination of a public water supply system; or affects ground water, flooding, erosion or sedimentation.

The comments, suggestions and information obtained during the highway studies, including the coordination and evaluation required by paragraphs 5a and 4c of PPM 20-8 will in most instances supply the information necessary to make the determination required above.

4. Negative declarations shall be prepared for all highway sections which are not major actions and for highway sections, even though classed as major actions, where it is determined there is no significant effect upon the quality of human environment as a result of the study and early coordination. Highway improvements of the following types are not likely to have significant impacts upon the environment:

a. Signing, marking, signalization and railroad protective devices.

b. Acquisition of scenic easements,

c. Modernization of an existing highway by resurfacing; less than lane width widening; adding shoulders; auxiliary lanes for localized purposes (weaving, climbing, speed-changing, etc.)

d. Correcting substandard curves,

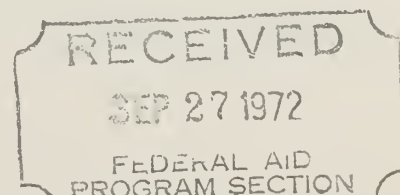
e. Reconstruction of existing stream crossings where stream channels are not affected,

f. Reconstruction of existing highway/highway or highway/railroad separations,

g. Reconstruction of existing intersections including channelization,

h. Reconstruction of existing roadbed (existing curb to curb for urban cross sections), including minor widening, shoulders and additional right-of-way,

i. Rural two-lane highways on new or existing location which are found to be generally environmentally acceptable to the public and local, State, and Federal officials.



INTER-AGENCY REVIEW OF DRAFT
ENVIRONMENTAL STATEMENTS

1. Draft environmental statements are to be circulated to appropriate Federal, State, and local agencies. State and local agency review comments will be solicited from State, regional, and metropolitan clearinghouses. Federal agencies are those having jurisdiction by law or special expertise with respect to any environmental impact involved.

2. Careful attention should be given to the selection of agencies having jurisdiction by law or special expertise in an anticipated impact to avoid the unnecessary solicitation of agencies. Appendix II to CEQ's guidelines published in the April 23, 1971, Federal Register (copy attached) lists agencies with their respective areas of jurisdiction by law or special expertise. A majority of the areas are the concern of the Departments of Housing and Urban Development, the Interior, Agriculture, and the Environmental Protection Agency.

3. The Department of Housing and Urban Development (HUD) generally deals with urban aspects of historic and archeological sites, flood plains and watersheds, parks, forests, outdoor recreation, noise, congestion, low-income neighborhoods, and urban planning. Draft environmental statements in urban areas and all draft combination environmental/Section 4(f) statements should be furnished to HUD for comment.

a. It is desirable to develop a written understanding with the regional office of HUD about which rural statements it wishes to review. HUD has delegated review of environmental statements to its regional offices.

4. The Department of the Interior has an interest in several environmental impact areas, including energy transmission, land use, historic and archeological sites, flood plains and watersheds, parks, forests, outdoor recreation, erosion, urban congestion, low-income neighborhoods, urban planning, rivers, canals, stream control, and wildlife. It may be advantageous to include the Department of the Interior in the mailing list for all draft environmental statements.

5. The Department of Agriculture is oriented towards rural matters. It has an interest in rural electrical energy transmission, toxins, pesticides, herbicides, land use, flood plains, watersheds, parks, forests, outdoor recreation, erosion, rivers, canals, stream control, and wildlife. Accordingly, it should be furnished draft statements on rural highway sections.

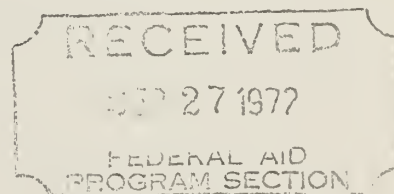
6. The Environmental Protection Agency (EPA) has jurisdiction by law or expertise in all major Federal actions significantly affecting the environment. The EPA should be furnished five copies of all draft statements. Comments should be solicited under both Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act of 1970.

7. The Department of the Army, Office of the Chief of Engineers (Corps of Engineers), is interested in land use and management (coastal areas and navigable waters), flood plains and watersheds, soil and plant life, transportation (harbors, channels, inlets, inland waterways, locks and dams, dredged spoil disposal), and water quality and pollution control. Early coordination is the best guide in determining if the Corps of Engineers has an interest in commenting on the highway section. This early coordination will establish which projects will subsequently require a Corps of Engineers permit.

8. Other agencies, that should be consulted and furnished a copy of the draft environmental statements for comment, will usually be identified during early coordination.

9. Other administrations within the Department of Transportation will need to be solicited for comment in some cases such as a proposed highway section with a bridge over navigable water that requires a permit from the Coast Guard. The administration from which comments are sought (preferably local offices) may be contacted directly by the HA.

10. In its letter asking an agency for comment on any anticipated environmental impacts for which the agency has jurisdiction by law or special expertise, it is suggested that the HA identify which impacts described in the statement the HA would specifically wish discussed. The Federal agency should be asked to comment on each alternative and, if it desires, state a preference and reasons therefor. When the HA places a time limit on the commenting period, the Federal agencies are to be advised at the time comments are solicited and should be informed that if no comments are received within that time period, the HA will assume that the review agency has no comments to offer. The HA should clearly indicate where responding agencies are to return their comments.



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**COUNCIL ON
ENVIRONMENTAL QUALITY**
**STATEMENTS ON PROPOSED FEDERAL
ACTIONS AFFECTING THE EN-
VIRONMENT**

Guidelines

**APPENDIX II—FEDERAL AGENCIES WITH JURIS-
DICTION BY LAW OR SPECIAL EXPERTISE TO
COMMENT ON VARIOUS TYPES OF ENVIRON-
MENTAL IMPACTS**

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Wel-
fare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel
combustion).
Bureau of Sport Fisheries and Wildlife
(wildlife).
Department of Transportation—
Assistant Secretary for Systems Develop-
ment and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft
emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Ad-
ministration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

ENERGY

*Environmental Aspects of Electric Energy
Generation and Transmission*

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural
areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities
and transmission lines).
Department of Housing and Urban Develop-
ment (urban areas).
Department of the Interior—(facilities on
Government lands).

*Natural Gas Energy Development,
Transmission and Generation*

Federal Power Commission (natural gas pro-
duction, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZAROUS SUBSTANCES

Toxic Materials

Department of Commerce—
National Oceanic and Atmospheric Admin-
istration.
Department of Health, Education and Wel-
fare (Health aspects).
Environmental Protection Agency—
Department of Agriculture—
Agricultural Research Service
Consumer and Marketing Service
Department of Defense
Department of the Interior—
Bureau of Sport Fisheries and Wildlife

Pesticides

Department of Agriculture—
Agricultural Research Service (biological
controls, food and fiber production).
Consumer and Marketing Service.

Forest Service
Department of Commerce—
National Marine Fisheries Service
National Oceanic and Atmospheric Admin-
istration
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
(effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Wel-
fare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Wel-
fare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

*Transportation and Handling of Hazardous
Materials*

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Admin-
istration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable water-
ways).
Department of Health, Education, and Wel-
fare—
Office of the Surgeon General (Health
aspects).
Department of Transportation—
Federal Highway Administration Bureau of
Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration
Federal Aviation Administration.
Assistant Secretary for Systems Develop-
ment and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous
substances).
Atomic Energy Commission (radioactive
substances).

LAND USE AND MANAGEMENT

*Coastal Areas: Wetlands, Estuaries, Waterfowl
Refuges, and Beaches*

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (Impact
on marine life).
National Oceanic and Atmospheric Admin-
istration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge
and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability,
hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and Archeological Sites

Department of the Interior—
National Park Service
Advisory Council on Historic Preservation.

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NOTICES

Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.

Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.

Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.

Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.

Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).

Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination of Food Products

Department of Agriculture—
Consumer and Marketing Service.

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.

Department of the Interior—
Bureau of Mines (uranium mines)

Sanitation and Waste Systems

Department of Health, Education, and Welfare—(Health aspects)

Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.

Department of Transportation—
U.S. Coast Guard (ship sanitation).

Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).

Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (demineralization of liquid wastes).

Shellfish Sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Air Quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—
Federal Highway Administration.
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.
Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).

Department of Commerce (economic development areas).
Economic Development Administration.

Department of Transportation—
Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.

Environmental Protection Agency—
Water Quality Office.

Department of Health, Education, and Welfare (Health aspects).

Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

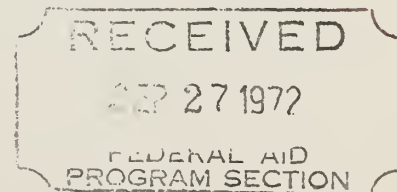
Marine Pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.

Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.



NOTICES

7729

Department of the Interior—
Bureau of Reclamation,
Geological Survey,
Bureau of Sport Fisheries and Wildlife,
Department of Transportation—
Coast Guard.

WILDLIFE

Environmental Protection Agency,
Department of Agriculture—
Forest Service,
Soil Conservation Service,
Department of the Interior—
Bureau of Sport Fisheries and Wildlife,
Bureau of Land Management,
Bureau of Outdoor Recreation.

FEDERAL AGENCY OFFICES FOR RECEIVING AND
COORDINATING COMMENTS UPON ENVIRON-
MENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert Garvey, Executive Director, Suite 618,
801 19th Street NW., Washington, DC 20038,
343-8607.

DEPARTMENT OF AGRICULTURE

Dr. T. C. Byerly, Office of the Secretary,
Washington, D.C. 20250, 388-7803.

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, Alternate Federal Co-Chair-
man, 1666 Connecticut Avenue NW., Wash-
ington, DC 20235, 907-4103.

DEPARTMENT OF THE ARMY (CORPS OF
ENGINEERS)

Col. J. B. Newman, Executive Director
of Civil Works, Office of the Chief of En-
gineers, Washington, D.C. 20314, 693-7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Joseph J. Di-
Nunno, Director, Office of Environmental
Affairs, Washington, D.C. 20545, 973-5391.

For regulatory matters: Christopher L. Hen-
derson, Assistant Director for Regulation,
Washington, D.C. 20545, 973-7531.

DEPARTMENT OF COMMERCE

Dr. Sydney R. Galler, Deputy Assistant Sec-
retary for Environmental Affairs, Washing-
ton, D.C. 20230, 967-4335.

DEPARTMENT OF DEFENSE

Dr. Louis M. Rousselot, Assistant Secretary
for Defense (Health and Environment),
Room 3E172, The Pentagon, Washington,
DC 20301, 627-2111.

DELAWARE RIVER BASIN COMMISSION

W. Brinton Whitall, Secretary, Post Office
Box 380, Trenton, NJ 08603, 608-883-9500.

ENVIRONMENTAL PROTECTION AGENCY

Charles Fabrikant, Director of Impact State-
ments Office, 1628 K Street NW., Wash-
ington, DC 20480, 632-7719.

FEDERAL POWER COMMISSION

Frederick H. Warren, Commission's Advisor
on Environmental Quality, 441 G Street
NW., Washington, DC 20428, 386-6084.

CENTRAL SERVICES ADMINISTRATION

Rod Kreger, Deputy Administrator, General
Services Administration-AD, Washington,
D.C. 20405, 343-6077.

Alternate contact: Aaron Woloshin, Director,
Office of Environmental Affairs, General
Services Administration-AJF, 343-4161.

DEPARTMENT OF HEALTH, EDUCATION AND
WELFARE

Roger O. Egeberg, Assistant Secretary for
Health and Science Affairs, HEW North
Building, Washington, D.C. 20202, 963-4254.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT¹

Charles Orlebeke, Deputy Under Secretary,
451 Seventh Street SW., Washington, DC
20410, 755-6960.

Alternate contact: George Wright, Office of
the Deputy Under Secretary, 755-8192.

¹Contact the Deputy Under Secretary with
regard to environmental impacts of legisla-
tion, policy statements, program regulations
and procedures, and precedent-making proj-
ect decisions. For all other HUD consultation,
contact the HUD Regional Administrator
in whose jurisdiction the project lies, as
follows:

James J. Barry, Regional Administrator I,
Attention: Environmental Clearance Of-
ficer, Room 405, John F. Kennedy Federal
Building, Boston, MA 02203, 617-223-4068.

S. William Green, Regional Administrator II,
Attention: Environmental Clearance Of-
ficer, 26 Federal Plaza, New York, NY 10007,
212-264-8068.

Warren P. Phelan, Regional Administrator
III, Attention: Environmental Clearance
Officer, Curtis Building, Sixth and Walnut
Streets, Philadelphia, PA 19106, 215-597-
2560.

Edward H. Baxter, Regional Administrator
IV, Attention: Environmental Clearance
Officer, Peachtree-Seventh Building, At-
lanta, GA 30323, 404-526-5585.

George Vavoulis, Regional Administrator V,
Attention: Environmental Clearance Of-
ficer, 360 North Michigan Avenue, Chicago,
IL 60601, 312-353-6680.

DEPARTMENT OF THE INTERIOR

Jack O. Horton, Deputy Assistant Secretary
for Programs, Washington, D.C. 20240, 343-
6181.

NATIONAL CAPITAL PLANNING COMMISSION

Charles H. Conrad, Executive Director, Wash-
ington, D.C. 20576, 382-1183.

OFFICE OF ECONOMIC OPPORTUNITY

Frank Carlucci, Director, 1200 19th Street,
NW., Washington, DC 20506, 254-0000.

SUSQUEHANNA RIVER BASIN COMMISSION

Alan J. Summerville, Water Resources Co-
ordinator, Department of Environmental
Resources, 105 South Office Building, Har-
risburg, PA. 17120, 717-787-2315.

TENNESSEE VALLEY AUTHORITY

Dr. Francis Gartrell, Director of Environ-
mental Research and Development, 720
Edney Building, Chattanooga, TN 37401,
616-755-2002.

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, Assistant Secretary for
Environment and Urban Systems, Wash-
ington, D.C. 20590, 426-4563.

DEPARTMENT OF TREASURY

Richard E. Siltor, Assistant Director, Office
of Tax Analysis, Washington, D.C. 20220,
904-2797.

DEPARTMENT OF STATE

Christian Herter, Jr., Special Assistant to the
Secretary for Environmental Affairs, Wash-
ington, D.C. 20520, 632-7964.

[FR Doc.71-5705 Filed 4-22-71;8:50 am]

Richard L. Morgan, Regional Administrator
VI, Attention: Environmental Clearance
Officer, Federal Office Building, 819 Taylor
Street, Fort Worth, TX 76102, 817-334-
2667.

Harry T. Morley, Jr., Regional Administrator
VII, Attention: Environmental Clear-
ance Officer, 911 Walnut Street, Kansas
City, MO 64106, 816-374-2661.

Robert C. Rosenbcim, Regional Administrator
VIII, Attention: Environmental Clearance
Officer, Samsonite Building, 1051 South
Broadway, Denver, CO 80209, 303-837-1961.

Robert H. Balda, Regional Administrator IX,
Attention: Environmental Clearance Of-
ficer, 450 Golden Gate Avenue, Post Office
Box 36003, San Francisco, CA 94102, 415-
556-4752.

Oscar P. Pederson, Regional Administrator
X, Attention: Environmental Clearance
Officer, Room 226, Arcade Plaza Building,
Seattle, WA 98101, 206-583-5415.

Selections from PPM 20-8, dated January 14, 1969, for use with the National Environmental Policy Act guidelines:

5. COORDINATION

a. When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those Federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement.

6. HEARING REQUIREMENTS

a. Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that:

- (1) Is on a new location; or
- (2) Would have a substantially different social, economic or environmental effect; or
- (3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to secondary road programs, two hearings are not required on a project covered by paragraph 6(a)(1) or (2) unless it will carry an average of 750 vehicles a day in the year following its completion.

b. A single combined corridor and highway design public hearing must be held, or the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph 6. c. below.

c. Hearings are not required for those projects that are solely for such improvements, as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project:

- (1) Requires the acquisition of additional right-of-way; or
- (2) Would have an adverse effect upon abutting real property; or
- (3) Would change the layout or function of connecting roads or streets or of the facility being improved.

7. OPPORTUNITY FOR PUBLIC HEARINGS

a. A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

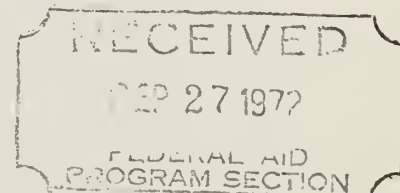
8. PUBLIC HEARING PROCEDURES

a. Notice of public hearing:

(1) When a public hearing is to be held a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of Interior and Housing and Urban Development. The State highway department shall also mail copies to other federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in Paragraph 5, a will be available for public inspection and copying and shall specify where this information is available.



PURCHASING COPIES OF ENVIRONMENTAL
STATEMENTS

1. A copy of any draft or final environmental statement prepared by a Federal agency can be obtained by sending report number or order number and payment, and return address to the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

2. The report number can be obtained from the FHWA or HA while the order number is found at the end of the summary of each statement in the 102 Monitor which is published by the Council on Environmental Quality (722 Jackson Place, NW., Washington, D. C. 20006) and sent to State clearinghouses and other interested agencies.

3. Payment is normally \$3.00. Copies over 300 pages require \$6.00 and will be noted in the 102 Monitor.

CHIEF ENGINEER
RECEIVED

SEP 16 1972



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

POLICY AND PROCEDURE MEMORANDUM

Transmittal 279
February 8, 1973

HEV-10

1. MATERIAL TRANSMITTED

PPM 90-2, Subject: Noise Standards and Procedures

2. EXISTING ISSUANCES AFFECTED

Supersedes Advance Copy of PPM 90-2 dated April 26, 1972.

3. COMMENTS

PPM 90-2 has been revised to incorporate suggestions and respond to comments resulting from circulation of a draft environmental statement. Significant changes are:

- a. Table A, Low Noise Level Highways, has been deleted
- b. The level of detail required during location phase has been clarified
- c. The use of quiet vehicle noise prediction methods has been deleted

The design noise levels in the standards represent a balancing of that which may be desirable and that which may be achievable. Consequently, noise impacts can occur even though the design noise levels are achieved. The values in Table 1 should be viewed as maximum values, recognizing that in many cases, the achievement of lower noise levels would result in even greater benefits to the community. Highway agencies are urged, therefore, to strive for noise levels below the values in Table 1 where the lower levels can be achieved at reasonable cost, without undue difficulty, and where the benefits appear to clearly outweigh the costs and efforts required.

Projects which received location approval prior to July 1, 1972, are not required to adhere to the standards provided design approval is

NOISE STANDARDS AND PROCEDURES

- Par. 1. Purpose
2. Authority
3. Noise Standards
4. Applicability
5. Procedures

Appendix A - Definitions

Appendix B - Noise Standards

1. PURPOSE

To provide noise standards and procedures for use by State highway agencies and the Federal Highway Administration (FHWA) in the planning and design of highways approved pursuant to Title 23, United States Code, and to assure that measures are taken in the overall public interest to achieve highway noise levels that are compatible with different land uses, with due consideration also given to other social, economic and environmental effects.

2. AUTHORITY

Sections 109(h) and (i), Title 23, United States Code, state that guidelines shall be promulgated "to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following: (1) air, noise, and water pollution; . . ." and that "The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different land uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards."

3. NOISE STANDARDS

a. Noise standards are appended as Appendix B. Federal Highway Administration encourages application of the noise standards at the earliest appropriate stage in the project development process.

b. There may be sections of highways where it would be impossible or impracticable to apply noise abatement measures. This could occur where abatement measures would not be feasible or effective due to physical conditions, where the costs of abatement measures are high in relation to the benefits achieved, or where the measures required to abate the noise condition conflict with other important values, such as desirable esthetic quality, important ecological conditions, highway safety, or air quality. In these situations, highway agencies should weigh the anticipated noise impacts together with other effects against the need for and the scope of the project in accordance with other FHWA directives (PPM's 20-8, 90-1, and 90-4).

4. APPLICABILITY

In order to be eligible for Federal-aid participation, all projects to which the noise standards apply shall include noise abatement measures to obtain the design noise levels in these standards unless exceptions have been approved as provided herein.

a. Projects to which noise standards apply. The noise standards apply to all highway projects planned or constructed pursuant to Title 23, United States Code, except projects unrelated to increased traffic noise levels, such as lighting, signing, landscaping, safety and bridge replacement. Pavement overlays or pavement reconstruction can be considered as falling within this category unless the new pavement is of a type which produces more noise than the type replaced.

b. Approvals to Which Compliance with Noise Standards Is Prerequisite

(1) Projects for which location was approved prior to July 1, 1972: Compliance

with noise standards shall not be a prerequisite to any subsequent approval provided design approval is secured prior to July 1, 1974. If design approval is not secured for such a project prior to July 1, 1974, compliance with the noise standards shall be a prerequisite to securing both design approval and approval of plans and specifications. However, such compliance shall not be a basis for requiring reconsideration of the highway location or any other approval action which has previously been taken for such projects.

(2) Projects for which location is approved on or after July 1, 1972:

(a) If location approval was requested on or before December 31, 1972, compliance with the noise standards shall be a prerequisite to obtaining design approval and approval of plans and specifications. Compliance with the noise standards shall not be a prerequisite to obtaining location approval, nor shall such compliance be a basis for requiring reconsideration of the highway location or any other approval action which has previously been taken for such projects. Combined location and design approval shall be handled in the same manner as separate design approval.

(b) If location approval is requested after December 31, 1972, compliance with the noise standards shall be a prerequisite to obtaining location and design approvals as well as approval of plans and specifications.

5. PROCEDURES

The noise standards should be implemented at the earliest appropriate stage in the project development process. These procedures have been developed accordingly:

a. Project Development. A report on traffic noise will be required during the location planning stage and the project design stage. The reports may be sections in the location and design study reports, or they may be separate. The procedures for noise analysis, identification of solutions, coordination with local officials, and incorporation of noise abatement measures are as follows:

(1) Nonapplicable Projects. If a State highway department determines (in accordance with paragraph 4a) that noise standards do not apply to a particular project, the requests for location approval and design approval shall contain statements to that effect, including the basis on which the State made its determination.

(2) Noise Analysis. For applicable projects, analyses of noise and evaluation of effects are to be made during project development studies using the following general steps:

(a) Predict the highway-generated noise level as described in the standards for each alternative under detailed study.

(b) Identify existing land uses or activities which may be affected by noise from the highway section.

(c) By measurement, determine the existing noise levels for developed land uses or activities.

(d) Compare the predicted noise levels with the design level values listed in the standards. Also compare the predicted noise levels with existing noise levels determined in paragraph 5a(2)(c). These comparisons will be the basis for determining the anticipated impact upon land uses and activities.

(e) Based upon the noise impacts determined in paragraph 5a(2)(d), evaluate alternative noise abatement measures for reducing or eliminating the noise impact for developed lands.

(f) Identify those situations where it appears that an exception to the design noise levels will be needed. Prepare recommendations to be included in the traffic noise report. (This report may be a portion of the location and design study reports, or it may be a separate report.)

(3) Location Phase and Environmental Impact Statement Requirements. To the extent this PPM is applicable to the location phase of projects under paragraph 4, the noise report shall describe the noise problems which may be created and the plans for dealing with such problems for each alternative under detailed study. The level of detail of the noise analysis in the location phase should be consistent with the level of detail in which the location study itself is made. This information including a preliminary discussion of exceptions anticipated, shall be set forth in the location study report and summarized in the environmental impact statement (if one is prepared) and, as appropriate, at the location hearing (for location hearings after December 31, 1972). Studies and reports for highway locations approved before December 31, 1972, need not include an analysis and report on noise. In such instances, the noise analysis and report will be required only for the design approval.

(4) Design Phase Requirements. The noise analysis prepared for the location phase is to be updated and expanded using the refined alignment and design information developed during the design studies. The report on traffic noise will include a detailed analysis of the anticipated noise impact, alternative or proposed abatement measures, discussion of coordination with local officials, and recommended exceptions.

(5) Coordination with Local Officials on Undeveloped Lands. Highway agencies have the responsibility for taking measures that are prudent and feasible to assure that the location and design of highways are compatible with existing land use. Local governments, on the other hand, have responsibility for land development control and zoning. Highway agencies can be of considerable assistance to local officials in these efforts with a view toward promoting compatibility between land development and highways. Therefore, for undeveloped lands (or properties) highway agencies shall cooperate with local officials by furnishing approximate generalized future noise levels for various distances from the highway improvement, and shall make available information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels.

(6) Noise Abatement Measures for Lands Which are Undeveloped at Time of Location Approval

(a) Noise abatement measures are not required for lands which are undeveloped at the time of location approval; however, the highway agency may incorporate noise abatement measures for such undeveloped lands in the project design (if approved by FHWA) when a case can be made for doing so based on consideration of anticipated future land use, future need, expected long term benefits, and the difficulty and increased cost of later incorporating abatement measures.

(b) For land uses or activities which develop after location approval, noise abatement measures should be considered for incorporation in the project in the following situations:

1 It can be demonstrated that all practicable and prudent planning and design were exercised by the local government and the developer of the property to make the activity compatible with the predicted noise levels which were furnished to the local government and especially that a considerable amount of time has elapsed between location approval and highway construction

thus limiting local government's ability to maintain control over adjoining land uses.

2 The benefits to be derived from the use of highway funds to provide noise abatement measures is determined to outweigh the overall costs.

3 The noise abatement measures can be provided within the highway's proposed right-of-way or wider rights-of-way or easements acquired for that purpose.

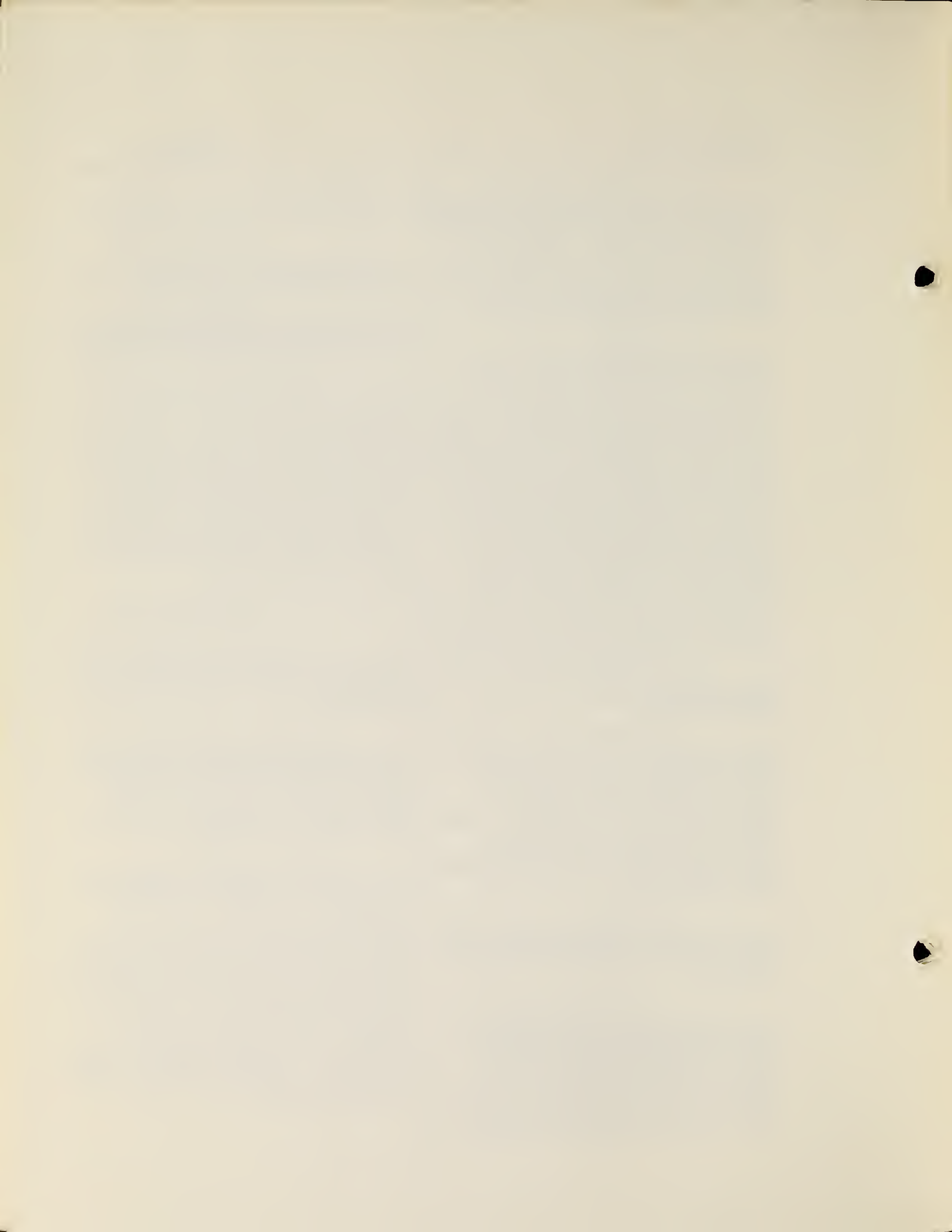
(c) There are some situations where the design noise levels should be applied to lands which are undeveloped at the time of location approval. Some of these instances occur where the development of new land uses or activities is planned at the same time as the highway location studies. Other instances occur where planning for the new development has preceded the highway location studies but the development has been delayed. These types of situations should be treated as though the land use or activity were in existence at the time of location approval provided:

1 The State highway agency is apprised of such prior planning.

2 The construction of the new land use or activity is started prior to highway construction or there is good reason to believe that it will start before highway construction.

(7) Incorporation of Noise Abatement Measures in Plans and Specifications. For those projects to which the standards apply, the plans and specifications for the highway section shall incorporate noise abatement measures to attain the design noise levels in the standards, except where an exception has been granted.

(8) Requests for Exceptions. Requirements and supporting materials for requests for exceptions to the design noise levels are described in paragraph 2 of Appendix B to this PPM. To the extent possible, consistent with the level of detail of the location study, identifiable exceptions should be reported in the location study report. The request for location approval shall contain or be accompanied by a request for approval of exceptions that have been identified in the location stage. Supporting material may be contained in the location study report. Subsequent requests for review and approval of additional exceptions, if any, will be similarly processed in conjunction with design approval.



b. Federal Participation

(1) Shifts in alignment and grade are design measures which can be used to reduce noise impacts. The following noise abatement measures may also be incorporated in a project to reduce highway-generated noise impacts. The costs of such measures may be included in project costs.

(a) The acquisition of property rights (either in fee or a lesser interest) for providing buffer zones or for installation or construction of noise abatement barriers or devices.

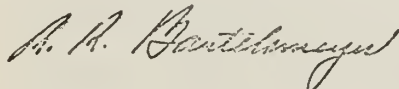
(b) The installation or construction of noise barriers or devices, whether within the highway right-of-way or on an easement obtained for that purpose.

(2) In some specific cases there may be compelling reasons to consider measures to "sound-proof" structures. Situations of this kind may be considered on a case by case basis when they involve such public or non-profit institutional structures as schools, churches, libraries, hospitals, and auditoriums. Proposals of this type, together with the State's recommendation for approval, shall be submitted to FHWA for consideration.

c. Approval Authority

(1) Exceptions to the Design Noise Levels. The FHWA Division Engineer is authorized to approve exceptions to the design noise levels and alternate traffic characteristics for noise prediction as provided in paragraph 3b, Appendix B.

(2) Noise Prediction Method. Noise levels to be used in applying the noise standards shall be obtained from a prediction method approved by FHWA. The noise prediction method contained in National Cooperative Highway Research Program Report 117 and the method contained in Department of Transportation, Transportation Systems Center Report DOT-TSC-FHWA-72-1 are approved as of the date of this issue for use in applying the noise standards. Other noise prediction methods or variations of the above should be furnished to the FHWA Office of Environmental Policy together with supporting and validation information for approval.



R. R. Bartelsmeyer
Acting Federal Highway Administrator

DEFINITIONS (As used in this PPM)

Design Approval - the approval (described in PPM 20-8) given by the Federal Highway Administration (FHWA) (at the request of a State highway department) based upon a design study report and a design public hearing or opportunity therefor. This action establishes FHWA acceptance of a particular design and is prerequisite to authorization of right-of-way acquisition and construction.

Design Noise Level - the noise levels established by the noise standards set forth herein for various land uses or activities to be used for determining traffic noise impacts and the assessment of the need for and type of noise abatement treatment for a particular highway section.

Design Year - the future year used to estimate the probable traffic volume to be used as one of the primary bases for the roadway design. A time 20 years from construction is common for multilane and other major projects. Periods of 5 or 10 years are not uncommon for low volume roads.

Developed Land Uses or Activities - those tracts of land or portions thereof which contain improvements or activities devoted to frequent human use or habitation. The date of issue of a building permit (for improvements under construction or subsequently added) establishes the date of existence. Park lands in categories A and B of Table 1, Appendix B, include all such lands (public and private) which are actually used as parks on the date the highway location is approved and those public lands formally set aside or designated for such use by a governmental agency. Activities such as farming, mining, and logging are not considered developed activities. However, the associated residences could be considered as a developed portion of the tract.

Highway Section - a substantial length of highway between logical termini (major cross-roads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study.

L₁₀ - the sound level that is exceeded 10 percent of the time (the 10th percentile) for the period under consideration. This value is an indicator of both the magnitude and frequency of occurrence of the loudest noise events.

Level of Service C - traffic conditions (used and described in the Highway Capacity Manual - Highway Research Board, Special Report 87) where speed and maneuverability are closely controlled by high volumes, and where vehicles are restricted in freedom to select speed, change lanes, or pass.

Location Approval - the approval (described in PPM 20-8) given by the FHWA (at the request of a State Highway Department) based upon a location study report and a corridor public hearing or opportunity therefor. This action establishes a particular location for a highway section and is prerequisite to authorization to proceed with the design. (Concurrent location and design approval is sometimes given for projects involving upgrading existing roads. In these instances, location approval is not a prerequisite to authorization of design.)

Noise Level - the weighted sound pressure level obtained by the use of a metering characteristic and weighting A as specified in American National Standard Specification S1.4-1971. The abbreviation herein used is dBA.

Operating Speed - the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

Project Development - studies, surveys, coordination, reviews, approvals, and other activities normally conducted during the location and design of a highway project.

Truck - a motor vehicle having a gross vehicle weight greater than 10,000 pounds and buses having a capacity exceeding 15 passengers.

NOISE STANDARDS

1. Design Noise Level/Land Use Relationship

a. The design noise levels in Table 1 (page B-4) are to be used during project development of a highway section to determine highway traffic noise impacts associated with different land uses or activities in existence at the time of location approval. In addition, the table is to be used to determine the need for abatement measures for traffic generated noise for developed land uses and activities in existence at the time of location approval. Exceptions to the design noise levels may be granted on certain types of highway improvements or portions thereof when the conditions outlined in paragraph 2 are met.

b. The exterior noise levels apply to outdoor areas which have regular human use and in which a lowered noise level would be of benefit. These design noise level values are to be applied at those points within the sphere of human activity (at approximate ear level height) where outdoor activities actually occur. The values do not apply to an entire tract upon which the activity is based, but only to that portion in which the activity occurs. The noise level values need not be applied to areas having limited human use or where lowered noise levels would produce little benefit. Such areas would include but not be limited to junkyards, industrial areas, railroad yards, parking lots, and storage yards.

c. The interior design noise level in Category E applies to indoor activities for those situations where no exterior noise sensitive land use or activity is identified. The interior design noise level in Category E may also be considered as a basis for noise abatement measures in special situations when, in the judgment of FHWA, such consideration is in the best public interest. In the absence of noise insulating values for specific structures, interior noise level predictions may be estimated from the predicted outdoor noise level by using the following noise reduction factors:

<u>Building Type</u>	<u>Window Condition</u>	<u>Noise Reduction Due to Exterior of the Structure</u>	<u>Corresponding Highest Exterior Noise Level Which Would Achieve an Interior Design Noise Level of 55 dBA</u>
All	Open	10 dB	65 dBA
Light Frame	Ordinary Sash		
	Closed	20	75
	With Storm Windows	25	80
Masonry	Single Glazed	25	80
Masonry	Double Glazed	35	90

Noise reduction factors higher than those shown above may be used when field measurements of the structure in question indicate that a higher value is justified. In determining whether to use open or closed windows, the choice should be governed by the normal condition of the windows. That is, any building having year round air treatment should be treated as the closed window case. Buildings not having air conditioning in warm and hot climates and which have open windows a substantial amount of time should be treated as the open window case.

2. Exceptions

a. The design noise levels set out in these standards represent the highest desirable noise level conditions. State highway departments shall endeavor to meet the design noise levels in planning, locating, and designing highway improvements. However, there may be sections of highways where it would be impracticable to apply noise abatement measures. This could occur where abatement measures would not be feasible or effective due to physical conditions, where the costs of abatement measures are high in relation to the benefits achieved or where the measures required to abate the noise condition conflict with other important values, such as desirable esthetic quality, important ecological conditions, highway safety, or air quality.

b. A request for an exception to the design noise levels can be approved by the FHWA provided the highway agency has supported its request by a written summary report demonstrating that the following steps have been taken and outlining the results.

(1) Identified noise sensitive land uses along the section of highway in question which are expected to experience future highway traffic noise levels in excess of the design levels.

(2) Thoroughly considered feasible measures that might be taken to correct or improve the noise condition.

(3) Weighed the costs or effects of the noise abatement measures considered against the benefits which can be achieved as well as against other conflicting values such as economic reasonableness, esthetic impact, air quality, highway safety, or other similar values, and thereby established that reduction of noise levels to desirable design levels is not in the best overall public interest for that particular highway section.

These decisions must ultimately be based upon case-by-case judgment. However, every effort should be made to obtain detailed information on the costs, benefits and effects involved to assure that final decisions are based on a systematic, consistent and rigorous assessment of the overall public interest.

(4) Considered lesser measures that could result in a significant reduction of noise levels though not to the design levels, and included such partial measures in the plans and specifications to the extent that they meet the test of economic reasonableness, practicability, and impact on other values, in the same manner as outlined in paragraph 2b(3).

c. In reviewing request for exception, the FHWA will give consideration to the type of highway and the width of the right-of-way. New freeway projects and most projects for the major reconstruction or upgrading of freeways allow for the use of noise control measures. Noise control measures are progressively more difficult to apply on other highways, particularly on local roads and streets because of numerous points of access, at-grade intersections, limited ability to acquire additional right-of-way as buffer zones, and the impossibility of altering roadway grades, constructing noise barriers and taking advantage of the terrain and other natural features.

d. Except in the most unusual situations, exceptions will be approved when the predicted traffic noise level from the highway improvement does not exceed the existing ambient noise level (originating from other sources) for the activity or land use in question.

3. Noise Level Predictions

a. Noise levels to be used in applying these standards shall be obtained from a predictive method approved by the FHWA. The predictive method and the noise level predictions should account for variations in traffic characteristics (volume, speed, and truck traffic), topography (vegetation, barriers, height, and distance), and roadway characteristics (configuration, pavement type, and grades). In predicting the noise levels, the following traffic characteristics shall be used:

(1) Automotive volume - the future volume (adjusted for truck traffic) obtained from the lesser of the design hourly volume or the maximum volume which can be handled under traffic level of service C conditions. For automobiles, level of service C is considered to be the combination of speed and volume which creates the worst noise conditions. For those highway sections where the design hourly volume or the level of service C condition is not anticipated to occur on a regular basis during the design year, the average hourly volume for the highest 3 hours on an average day for the design year may be used.

(2) Speed - the operating speed (as defined in the Highway Capacity Manual) which corresponds with the design year traffic volume selected in paragraph 3a(1) and the truck traffic predicted from paragraph 3a(3). The operating speed must be consistent with the volume used.

(3) Truck volume - the design hourly truck volume shall be used for those cases where either the design hourly volume or level of service C was used for the automobile volume.

Where the average hourly volume for the highest 3 hours on an average day was used for automobile traffic, comparable truck volumes should be used.

b. There are instances where activities associated with a particular land use (such as churches, schools, and resort hotels or residences) do not coincide with design hourly volumes. This may be particularly true when the design hourly volumes are seasonally oriented or where the activity associated with the land use is somewhat infrequent. There are other instances where changes in land use can be reasonably expected to occur before design year volumes are realized. In such instances, State highway agencies may request approval to compute noise predictions using traffic characteristics different from those specified in paragraph 3a. Such requests should be made on a project-by-project basis and should be accompanied by a justification.

TABLE 1
DESIGN NOISE LEVEL/LAND USE RELATIONSHIPS

Land Use Category	Design Noise Level - L ₁₀	Description of Land Use Category
A	60dBA (Exterior)	Tracts of lands in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces which are dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet.
B	70 dBA (Exterior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks.
C	75 dBA (Exterior)	Developed lands, properties or activities not included in categories A and B above.
D	--	For requirements on undeveloped lands see paragraphs 5a(5) and (6), this PPM.
E*	55 dBA (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals and auditoriums.

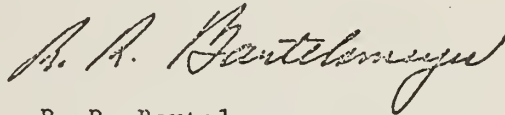
* See paragraph 1c of this Appendix for method of application.

obtained before July 1, 1974. However, the Federal Highway Administration encourages application of the noise standards to such projects whenever possible.

For a 12-month period beginning with the date of this issue, copies of each exception approval letter together with the State's request shall be forwarded to both the Regional Administrator and direct to the Washington office (HEV-10), unless advised to the contrary by the Regional Administrator.

4. Effective Date

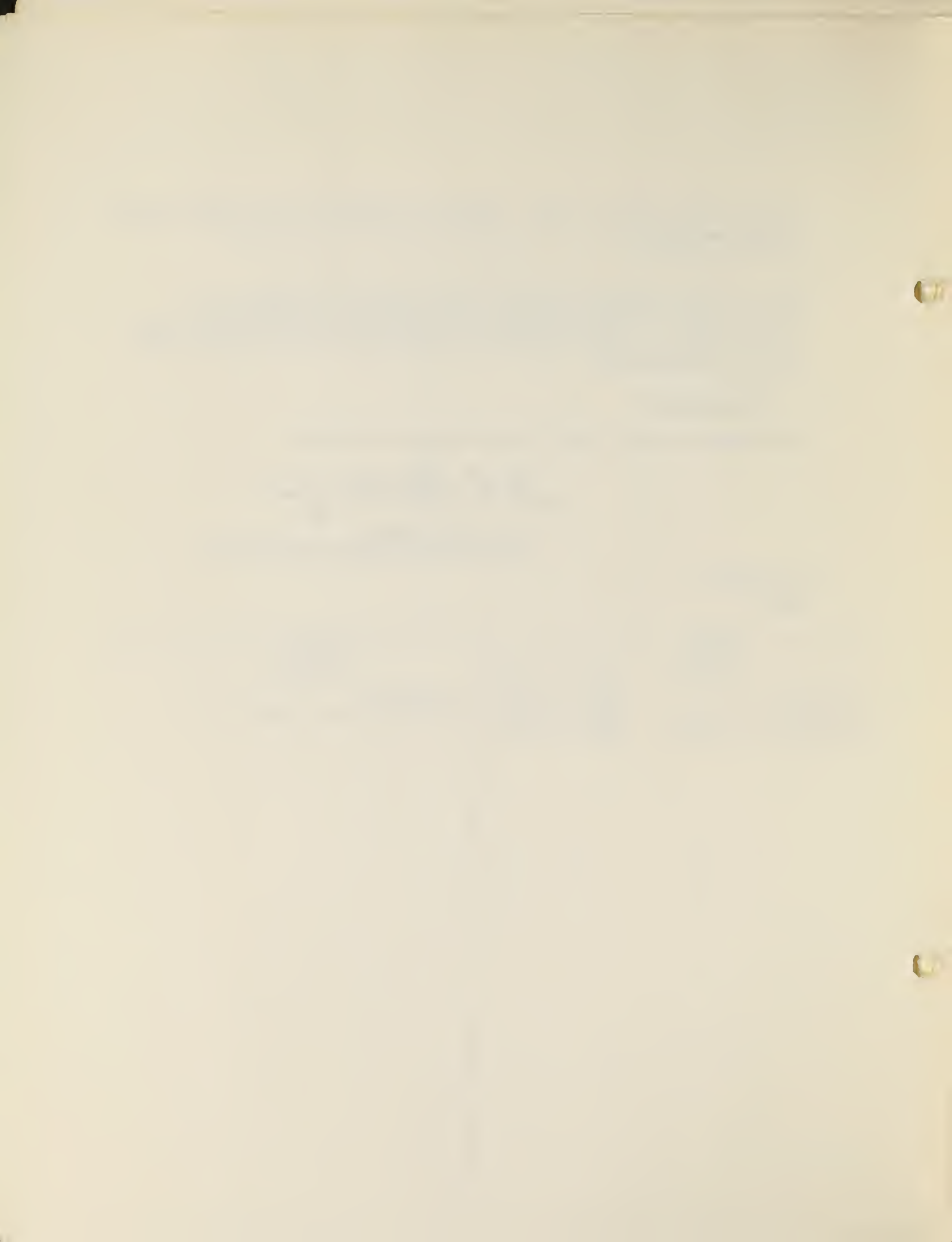
The effective date of this PPM is the date of issuance.



R. R. Bartelsmeyer
Acting Federal Highway Administrator

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	1 thru 6	April 26, 1972	1 thru 4	
Attachment 1	1	April 26, 1972	Appendix A	
Attachment 2	1 thru 2	April 26, 1972	Appendix B, B-1 thru B-4	
Attachment 3	1 thru 4	April 26, 1972		



THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-two

AN ACT

ESTABLISHING A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF THE ATTORNEY GENERAL, AND DIRECTING THE PREPARATION OF ENVIRONMENTAL IMPACT REPORTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 12 of the General Laws is hereby amended by inserting after section 11C the following section:-

Section 11D. There shall be in the department of the attorney general a division of environmental protection. The attorney general shall designate an assistant attorney general as director of said division. Said director may appoint and remove, subject to the approval of the attorney general, such expert, clerical or other assistants as the work of the division may require.

The attorney general shall have the authority to prevent or remedy damage to the environment caused by any person, body corporate or politic or any agency, department, board, commission, division or authority of the commonwealth or any political subdivision thereof at the request of an appropriate agency or on his own initiative, by commencing or intervening in a proceeding before an appropriate agency, department, board, commission, division or authority, whether state or federal, and before any political subdivision of the commonwealth, or by commencing or intervening in any suit or action, civil or criminal, to enforce any statute, ordinance, by-law or regulation or to secure any common law right or remedy including, but not limited to, the abatement of public nuisances, provided, however, it shall be a defense to any action taken pursuant to this section that any such person is subject to, and in compliance in good faith with, a judicially enforceable administrative pollution abatement schedule or implementation plan the purpose of which is alleviation of damage to the environment.

Each agency, board, commission, division and authority of the commonwealth shall give written notice to the attorney general of all adjudicatory proceedings or public hearings in which damage to the environment is or may be at issue.

As used in this section, "damage to the environment" shall mean any destruction, damage or impairment, actual or probable, to any of the natural resources in the commonwealth and shall include, but shall not be limited to, air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, or the impairment or

eutrophication of rivers, streams, flood plains, lakes, ponds or other surface or subsurface water resources, destruction of seashores, dunes, marine resources, wetlands, open spaces, natural areas, parks or historic districts or sites. Damage to the environment shall not include any insignificant destruction, damage or impairment to such natural resources.

The attorney general shall receive and maintain appropriate records of complaints from interested persons relating to damage to the environment, and upon the receipt thereof shall refer the same to an appropriate agency or subdivision of the commonwealth for such further corrective action as may be necessary to prevent or remedy damage to the environment.

The attorney general may investigate the administration of environmental statutes, ordinances or regulations by an agency, department, board, commission, division or authority of the commonwealth or of any political subdivision thereof and may make such recommendations as are appropriate to the governor and to the general court.

Nothing in this section shall be interpreted to derogate from any existing common law or statutory right or remedy against damage to the environment.

SECTION 2. Chapter 30 of the General Laws is hereby amended by inserting after section 60, the following two sections:-

Section 61. All agencies, departments, boards, commissions and authorities of the commonwealth shall review, evaluate, and determine the impact on the natural environment of all works, projects or activities conducted by them and shall use all practicable means and measures to minimize damage to the environment. Unless a clear contrary intent is manifested, all statutes shall be interpreted and administered so as to minimize and prevent damage to the environment. Any determination made by an agency of the commonwealth shall include a finding describing the environmental impact, if any, of the project and a finding that all feasible measures have been taken to avoid or minimize said impact.

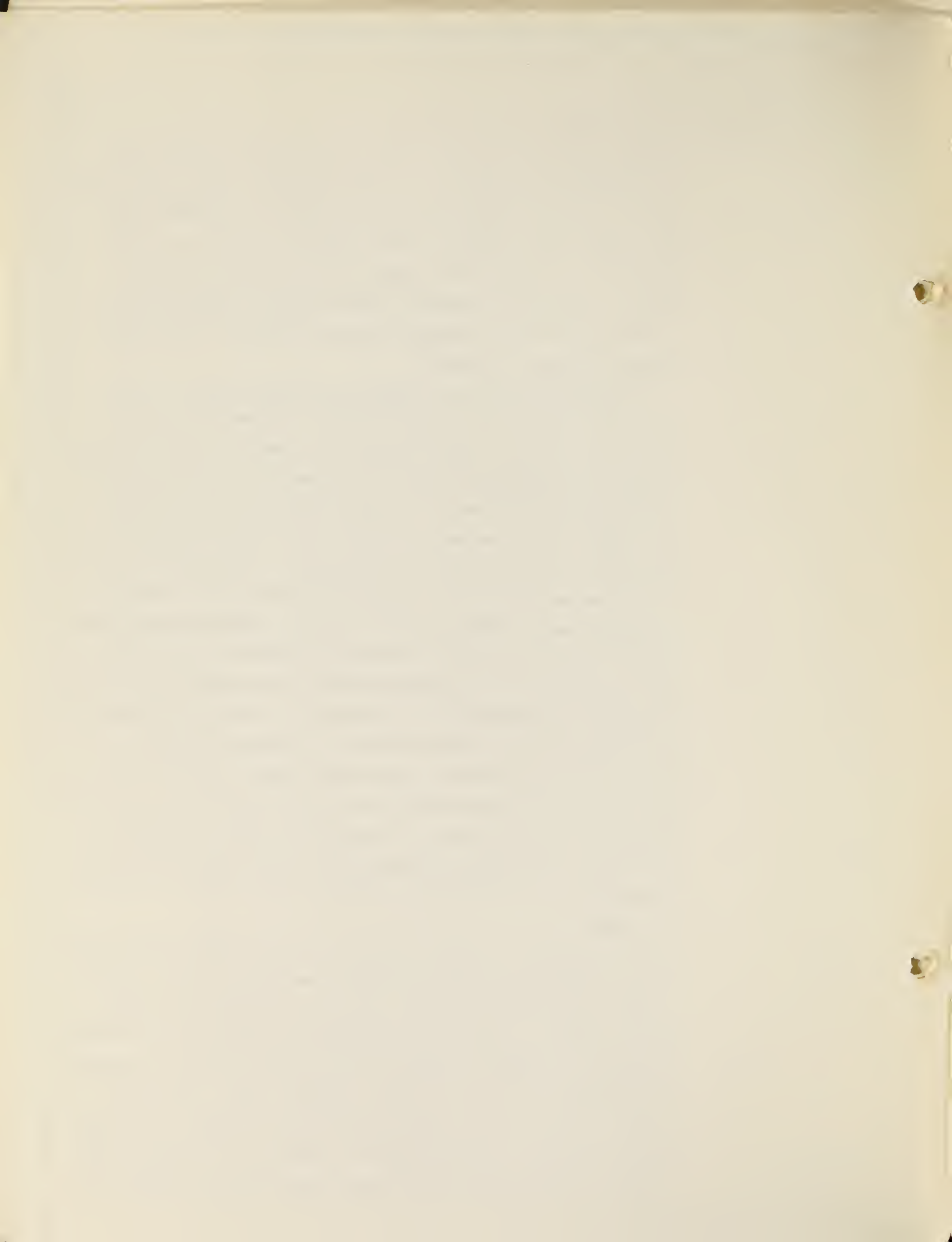
As used in this section and section sixty-two, "damage to the environment" shall mean any destruction, damage or impairment, actual or probable, to any of the natural resources of the commonwealth and shall include but not be limited to air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds, or other surface or subsurface water resources; destruction of seashores, dunes, marine resources, wetlands, open spaces, natural areas, parks, or historic districts or sites. Damage to the environment shall not be construed to include any insignificant dam-

age to or impairment of such resources.

Section 62. No agency, department, board, commission, or authority of the commonwealth or any authority of any political subdivision thereof shall commence any work, project, or activity which may cause damage to the environment until sixty days after it has published a final environmental impact report in accordance with the provision of this section or until sixty days after a public hearing on said report, provided that research, planning, design and other preliminary work necessary to describe and evaluate such project for the purposes of this section may be undertaken.

An environmental impact report shall contain detailed statements describing the nature and extent of the proposed work and its environmental impact; all measures being utilized to minimize environmental damage, any adverse short-term and long-term environmental consequences which cannot be avoided should the work be performed; and alternatives to the proposed action and their environmental consequences. The preparation of said report shall be commenced during the initial planning and design phase of any work, project, or activity subject to this section and the report shall be so prepared and disseminated as to inform the originating agency, reviewing agencies, the appropriate regional planning commission, the attorney general and the public of the environmental consequences of state actions and the alternatives thereto prior to any commitment of state funds and prior to the commencement of the work, project, or activity. All reviewing agencies, and any state agency, department, board, commission, division or authority which has jurisdiction by law or special expertise with respect to any environmental impact involved shall affix their written comments to the final impact report. In order to insure an interdisciplinary review, the secretary of environmental affairs shall in conjunction with any agency involved jointly approve the selection of any consultant engaged to prepare the draft or final impact report.

The secretaries of the executive offices shall each promulgate rules and regulations approved by the secretary of environmental affairs to carry out the purposes of this section which shall be applicable to all agencies, departments, boards, commissions, authorities or instrumentalities within each of such executive offices and which shall conform with the requirements of the National Environmental Policy Act Pub. Law 91-190, and amendments thereto. Any draft report, final report, and all written comments required by said regulations shall be public documents. Said reports shall be submitted to the secretary of environmental affairs who shall issue a written statement indicating whether or not



in his judgment said reports adequately and properly comply with the provisions of this section.

For the purposes of carrying out the provisions of this section, funds made available for the purpose of design of or planning or performing said work, project, or activity shall be available and may be expended for the research, preparation, and publication of the reports required by this section and expenses incidental thereto, and said funds may be transferred or otherwise may be made available to other state departments and resource agencies designated by the secretary of environmental affairs for the purpose of meeting the expenses incurred in evaluating the draft or final impact report.

SECTION 3. Section sixty-one of chapter thirty of the General Laws, inserted by section two of this act, shall take effect on December thirty-first, nineteen hundred and seventy-two, and section sixty-two of said chapter thirty, inserted by said section two, shall take effect on July first, nineteen hundred and seventy-three.

House of Representatives, July 7, 1972.

Passed to be enacted, *Daniel W. Conley*, Speaker.

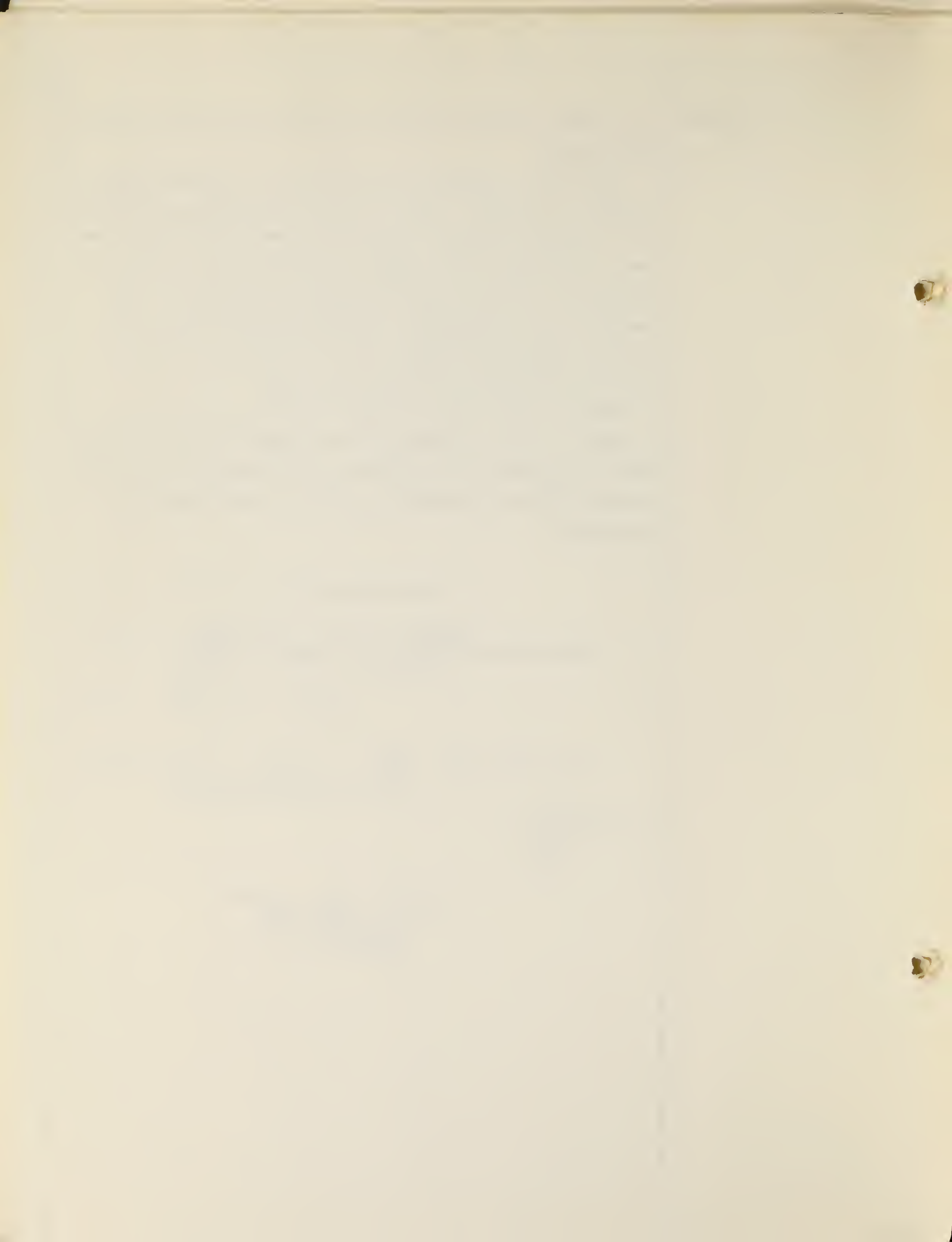
In Senate, July 8, 1972.

Passed to be enacted, *Kevin B. Harrington*, President.

July 18, 1972.

Approved,

Frank Laopet
Governor.



MASSACHUSETTS GENERAL LAWS

CHAPTER 131 - SECTION 40

AN ACT RELATIVE TO THE PROTECTION OF WETLANDS

No person shall remove, fill, dredge or alter any bank, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding without filing written notice of his intention to so remove, fill, dredge or alter, including such plans as may be necessary to describe such proposed activity and its effect on the environment, at least sixty days prior to any such removing, filling, dredging or altering. Said notice shall be sent by certified mail to the conservation commission or, if none to the board of selectmen in a town or the mayor of a city in which the land upon which such activity is proposed is located. Each such notice shall be accompanied by a filing fee of twenty-five dollars payable to the city or town. Copies of such notice shall be sent at the same time by certified mail to the state departments of natural resources and public works. No such notice shall be sent before all permits, variances and approvals required by local by-law with respect to the proposed activity have been obtained. Upon receipt of any notice hereunder the department of natural resources shall designate a file number for such notice and shall send a notification of such number to the person giving notice, to the conservation commission, selectmen or mayor to whom the notice was given, and to the department of public works. Said notification shall state the name of the owner of the land upon which the proposed work is to be done and the location of said land.

The term "person" as used in this section shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representative, agents or assigns.

The term "applicant" as used in this section shall mean the person giving notice of intention to remove, fill, dredge or alter.

The conservation commission, selectmen or mayor receiving notice under this section shall hold a public hearing on the proposed activity within twenty-one days of the receipt of said notice. Notice of the time and place of said hearing shall be given by the hearing authority at the expense of the applicant, not less than five days prior to such hearing, by publication in a newspaper of general circulation in the city or town where the activity is proposed and by mailing a notice to the applicant and to the board of health and the planning board of said city or town and to the state departments of natural resources and public works.

If after said hearing the conservation commission, selectmen or mayor, as the case may be, determine that the area on which the proposed work is to be done is significant to public or private water supply, to the ground water supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, or to the protection of fisheries, such conservation commission, board of selectmen or mayor shall by written order within twenty-one days of such hearing impose such conditions as will contribute to the protection of the interests described herein, and all work shall be done in accordance therewith. Such order shall be signed by the mayor or a majority of the conservation commission or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department of natural resources and the department of public works. Notwithstanding such order, no work shall be done until sixty days after the filing of the notice of intention required by this section.

Not more than twenty-eight days after a hearing under the provisions of this section, any person aggrieved by an order issued after such hearing, or any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town where such land is located may by certified mail requires the department of natural resources to determine whether the area on which the proposed work is to be done is significant to public or private water supply, to the ground water supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish or to the protection of fisheries. The commissioner of natural resources also may request such a determination within said twenty-eight days. The party making any such request shall at the same time send a copy thereof by certified mail to the conservation commission, board of selectmen or mayor which conducted the hearing hereunder. If such party is other than the applicant, a copy of such request shall also be sent at the same time by certified mail to the applicant. Upon receipt of such request the department of natural resources shall make the determination requested and shall by written order, signed by the commissioner of natural resources, impose such conditions as will contribute to the protection of the interests described herein. Such order shall supercede the prior order of the conservation commission, board of selectmen or mayor, and all work shall be done in accordance therewith. A copy of such order shall be sent to the applicant, to the conservation commission, board of selectmen or mayor which conducted the hearing hereunder, and to the department of public works.

Any person aggrieved by an order of the department of natural resources issued under the provisions of this section may appeal under the provisions of chapter thirty A. Such right of appeal shall be exclusive.

No work proposed in any notice of intention shall be undertaken until the final order with respect to such work has been recorded in the registry of deeds for the district in which the land is located.

Any site where work is being done which is subject to this section shall display a sign of not less than two square feet or more than three square feet bearing the words: "Massachusetts Department of Natural Resources File Number.....", and the sign shall display the file number assigned to the project.

If the department of public works finds that any proposed work would violate the provisions of chapter ninety-one, it shall proceed immediately to enforce the provisions of said chapter.

The provisions of this section shall not apply to the following: any mosquito control work done under the provisions of clause (36) of section five of chapter forty, chapter two hundred and fifty-two, or under the provisions of a special act; or work performed for agricultural purposes. The commissioner may adopt rules and regulations consistent with the purpose of this section.

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this section or in violation of any order issued under this section shall forthwith comply with any such order or restore such real estate to its condition prior to any such violation. Any court having equity jurisdiction may restrain a violation of this section and enter such orders as it deems necessary to remedy such violation, upon the petition of the attorney general, the commissioner of natural resources, a city or town, an owner or occupant of property which may be affected by said removal, filling, dredging or altering, or ten residents of the commonwealth under the provisions of section ten A of chapter two hundred and fourteen.

Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months or both. This section may be enforced by natural resources officers.

SECTION 2. Section twenty-seven A of chapter one hundred and thirty of the General Laws is hereby repealed.

SECTION 3. All orders issued under the authority of section twenty-seven A of chapter one hundred and thirty of the General Laws prior to the effective date of this act shall remain in full force and effect until amended or repealed by the commissioner of natural resources.

SECTION 4. The department of natural resources is hereby authorized and directed to map the commonwealth so as to make available to municipalities the delineation of wetlands within their boundaries.

EFFECTIVE DATE: June 26, 1965 (Chapter 220, Acts of 1965)

AMENDED: Chapter 276, Acts of 1967
Chapter 444, Acts of 1968
Chapter 1020, Acts of 1971
Chapter 784, Acts of 1972 (effective
October 16, 1972)

CRIMINAL PENALTY

Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than six (6) months or both.



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

POLICY AND PROCEDURE MEMORANDUM

Transmittal 293

June 1, 1973

HEV-10

1. MATERIAL TRANSMITTED

PPM 90-4, Process Guidelines (Social, Economic, and Environmental Effects on Highway Projects).

2. EXISTING ISSUANCES AFFECTED

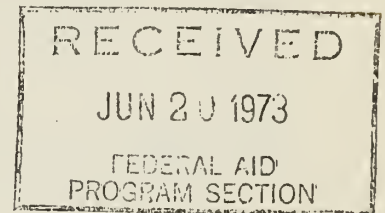
Supersedes PPM 90-4, dated September 21, 1972.

3. COMMENTS

PPM 90-4 has been revised primarily to:

- a. Reinforce that the Action Plans are applicable to all Federal-aid projects (paragraph 5b);
- b. Emphasize that these guidelines shall be applied to transportation planning decisions as well as those made during location and design (paragraph 5c);
- c. Clarify that approved Action Plans will be applied only to future actions on "pipeline" projects (paragraph 5d);
- d. Make it permissible to submit certain information concurrently with Action Plan submittals rather than requiring that it be included as part of an Action Plan (paragraph 6d);
- e. Clarify procedures for revising approved Action Plans (paragraph 7d); and
- f. Require that Action Plans indicate how the public will be able to obtain information and assistance from the highway agency (paragraph 11b(2)).

In addition, there have been some less significant changes made to clarify the intent of several other paragraphs.



R. R. Bartelsmeyer

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R. R. Bartelsmeyer
Acting Federal Highway Administrator

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1 thru 6 Sept. 21, 1972

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POLICY AND PROCEDURE MEMORANDUM

90.4

June 1, 1973

PROCESS GUIDELINES (SOCIAL, ECONOMIC, AND ENVIRONMENTAL
EFFECTS ON HIGHWAY PROJECTS)

- Par. 1. Purpose
2. Authority
3. Definitions
4. Policy
5. Application
6. Procedures
7. Implementation and Revision
8. Contents of the Action Plan
9. Identification of Social, Economic, and Environmental Effects
10. Consideration of Alternative Courses of Action
11. Involvement of Other Agencies and the Public
12. Systematic Interdisciplinary Approach
13. Decisionmaking Process
14. Interrelation of System and Project Decisions
15. Levels of Action by Project Category
16. Responsibility for Implementation
17. Fiscal and Other Resources
18. Consistency with Existing Laws and Directives

1. PURPOSE

To provide to Highway Agencies and Federal Highway Administration (FHWA) field offices guidelines for the development of Action Plans to assure that adequate consideration is given to possible social, economic, and environmental effects of proposed highway projects and that the decisions on such projects are made in the best overall public interest. These guidelines identify issues to be considered in reviewing the present organization and processes of a Highway Agency as they relate to social, economic, and environmental considerations, and in developing desirable improvements. The guidelines recognize the unique situation of each State and do not prescribe specific organizations or procedures.

2. AUTHORITY

Section 109(h), Title 23, United States Code, directs the following: "Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that

possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

- (1) air, noise, and water pollution;
- (2) destruction or disruption of man-made and natural resources, esthetic values, community cohesion and the availability of public facilities and services;
- (3) adverse employment effects, and tax and property value losses;
- (4) injurious displacement of people, businesses and farms; and
- (5) disruption of desirable community and regional growth.

Such guidelines shall apply to all proposed projects with respect to which plans, specifications and estimates are approved by the Secretary after the issuance of such guidelines."

3. DEFINITIONS

a. Highway Agency - The State highway department or State department of transportation with the primary responsibility for initiating and carrying forward the planning, design, and construction of Federal-aid highway projects.

b. Human Environment - The aggregate of all external conditions and influences (esthetic, ecological, biological, cultural, social, economic, historical, etc.) that affect the lives of humans.

c. Environmental Effects - The totality of the effects of a highway project on the human and natural environment.

d. A-95 Clearinghouse - Those agencies and offices in States, metropolitan areas, and multi-State regions which perform the coordination functions called for in Office of Management and Budget (OMB) Circular A-95.

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FEDERAL AID
PROGRAM SECTION

e. The following definitions are provided solely to clarify the terms "system planning," "location," and "design" as they are used in these guidelines. A Highway Agency may choose to use different definitions in responding to these guidelines. If not stated otherwise, the following definitions will be assumed to be applicable.

(1) System Planning - Regional analysis of transportation needs and the identification of transportation corridors.

(2) Location - From the end of system planning through location approval.

(3) Design - From location approval through the approval of plans, specifications, and estimates.

4. POLICY

* a. It is the FHWA's policy that full consideration shall be given to social, economic, and environmental effects throughout the planning of highway projects including system planning, location, and design; that provisions for ensuring such consideration shall be incorporated in the decisionmaking process; and that decisions shall be made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing possible adverse social, economic, and environmental effects.

b. The process by which decisions are reached should be such as to merit public confidence in the Highway Agency. To achieve this objective, it is the FHWA's policy that:

(1) Social, economic, and environmental effects be identified and studied early enough to permit analysis and consideration while alternatives are being formulated and evaluated.

(2) Other agencies and the public be involved in project development early enough to influence technical studies and final decisions.

(3) Appropriate consideration be given to reasonable alternatives, including the alternative of not building the project and alternative modes.

* 5. APPLICATION

a. These guidelines apply to highway agencies that propose projects on any Federal-aid system for which plans, specifications, and estimates are approved by the FHWA.

b. These guidelines apply to all processes that will be used for all Federal-aid projects, including Secondary Road Plan projects.

c. These guidelines apply to system planning decisions, including those made in the urban transportation planning process established by 23 U.S.C. 134, and to project decisions made during the location and design stages.

d. These guidelines and the Action Plan shall only be applied to the future development of on-going projects and to future projects. They are not retroactive, and shall not apply to any step or steps taken in the development of a project prior to the time of the implementation of the parts of the Action Plan applicable thereto.

6. PROCEDURES

a. To meet the requirements of these guidelines, each Highway Agency shall develop an Action Plan which describes the organization to be utilized and the processes to be followed in the development of Federal-aid highway projects from initial system planning through design.

b. The Action Plan should be consistent with the requirements of PPM's 20-8, 90-1, and of other applicable directives.

* c. Involvement of the public and local, State, and Federal officials and agencies, including A-95 clearinghouses and the 23 U.S.C. 134 metropolitan transportation planning process agencies, should be sought throughout the development of the Action Plan. Comments should be solicited during the draft and final stage of development of the Action Plan.

* d. The Action Plan submitted to the Governor of the State and to the FHWA should be accompanied by a description of the procedures followed in developing the Action Plan; the steps taken to involve the public and other agencies during development of the Plan; and a summary of comments received on the Plan (including the sources of such comments) and the State's disposition of these comments.

e. The FHWA, through its division and regional offices, will consult with the State in the development of the Action Plan and, within the limits of its resources, will be prepared to assist or advise.

f. The Action Plan shall be submitted to the Governor of the State for review and approval as a means of obtaining a high degree of interagency and intergovernmental coordination. Approval by the Governor may occur prior to submittal of the Action Plan to the FHWA, or, if desired by the State, may occur concurrently with FHWA approval.

g. The Action Plan should be submitted to the FHWA not later than June 15, 1973, for approval. The FHWA will not give location approval on projects after November 1, 1973, unless the Action Plan has been approved.

* h. Review and approval of the Action Plan and revisions thereto will be the responsibility of the Regional Federal Highway Administrator.

7. IMPLEMENTATION AND REVISION

a. The FHWA shall review the States' implementation of their Action Plans at appropriate intervals. The FHWA may withhold location approvals, or such other project approvals as it deems appropriate, if the Action Plan is not being followed.

b. The Action Plan shall be implemented as quickly as feasible. A program of staged implementation for the period up to November 1, 1974, shall be developed and described in the Action Plan. It is expected that all aspects of the Action Plan will be implemented by this date. If the Highway Agency believes that any provision in its Action Plan cannot be implemented prior to November 1, 1974, it shall present a schedule for the implementation of such provisions to the FHWA, which will consider the proposed schedule on a case-by-case basis.

c. If the schedule for implementation set forth in an approved Action Plan is not met, the FHWA may withhold location approvals or such other project approvals as it deems appropriate.

* d. An approved Action Plan may be revised to meet changed circumstances or to permit adoption of improved procedures or assignments of responsibilities.

(1) The Action Plan should identify the assignment of responsibility for developing Action Plan revisions.

(2) Paragraph 6f (Governor's approval) shall apply to revision of the Action Plan; except that the Highway Agency, with the Governor's approval, may include a provision in the Action Plan to allow all or some type of revisions in the approved Action Plan without review and approval by the Governor. In such instances, the Action Plan should include a description of the types of such revisions.

(3) The Highway Agency in consultation with the FHWA shall determine the extent to which involvement of the public and other agencies is necessary in the development of proposed Action Plan revisions.

8. CONTENTS OF THE ACTION PLAN

The Action Plan shall indicate the procedures to be followed in developing highway projects, including organizational structure and assignments of responsibility by the chief administrative officer of the Highway Agency to positions or units within the Agency. Where participation of other agencies or consultants will be utilized, this should be so indicated. The topics to be covered by the Action Plan are outlined in the following paragraphs of this PPM.

9. IDENTIFICATION OF SOCIAL, ECONOMIC, AND ENVIRONMENTAL EFFECTS

* a. Identification of potential social, economic, and environmental effects, both beneficial and adverse, of alternative courses of action should be made as early in the study process as feasible. Timely information on such effects should be produced so that the development and consideration of alternatives and studies can be influenced accordingly. Further, the costs, financial and otherwise, of eliminating or minimizing possible adverse social, economic, and environmental effects should be determined.

b. The Action Plan should identify:

(1) The assignment of responsibility for:

(a) Providing information on social, economic, and environmental effects of alternative courses of action during system planning, location, and design stages.

(b) Controlling the technical quality of social, economic, and environmental studies.

(c) Monitoring current social, economic, and environmental research; monitoring environmental effects of completed projects, where appropriate; and disseminating "state-of-the-art" information within the agency.

(2) Procedures to be followed to ensure that timely information on social, economic, and environmental effects:

(a) Is developed in parallel with alternatives and related engineering data, so that the development and selection of alternatives and other elements of technical studies can be influenced appropriately.

(b) Indicates the manner and extent to which specific groups and interests

are beneficially and/or adversely affected by alternative proposed highway improvements.

(c) Is made available to other agencies and to the public early in studies.

(d) Is developed with participation of staffs of local agencies and interested citizens.

(e) Is developed sufficiently to allow for the estimation of costs, financial or otherwise, of eliminating or minimizing identified adverse effects.

10. CONSIDERATION OF ALTERNATIVE COURSES OF ACTION

* a. Alternatives considered should include, where appropriate, alternative types and scales of highway improvements and other transportation modes. The option of no highway improvement should be considered and used as a reference point for determining the beneficial and adverse effects of other alternatives. Appropriate alternatives which might minimize or avoid adverse social, economic, or environmental effects should be studied and described, particularly in terms of impacts upon specific groups and in relationship to 42 U.S.C. 2000d-2000d-4 (Title VI of the Civil Rights Act 1964) and 42 U.S.C. 3601-3619 (Title VIII of the Civil Rights Act of 1968).

b. The Action Plan should identify the assignment of responsibility and the procedures to be followed to ensure that:

(1) The consequences of the no-highway-improvement option are set forth, with data of a level of completeness and of detail consistent with that developed for other alternatives.

(2) A range of alternatives appropriate to the stage is considered at each stage from system studies through final design.

(3) The development of new transportation modes or the improvement of other modes are adequately considered, where appropriate.

(4) Non-transportation components, such as replacement housing, joint development, multiple use of rights-of-way, etc., are in coordination with transportation components.

(5) Suggestions from outside the Agency are given careful consideration.

11. INVOLVEMENT OF OTHER AGENCIES AND THE PUBLIC

a. The President has directed Federal agencies to "develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties" (Executive Order 11514). Policy and Procedure Memorandum 20-8 contains similar provisions. Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as the actions taken. Information about the existence, status, and results of studies should be made available to the public throughout those studies. The required public hearings (PPM 20-8) should be only one component of the agency's program to obtain public involvement.

b. The Action Plan should identify the assignment of responsibility and procedures to be followed:

(1) To ensure that information is made available to other agencies and the public throughout the duration of project studies, and that such information is as clear and comprehensible as practicable concerning:

(a) The alternatives being considered.

(b) The effects of alternatives, both beneficial and adverse, and the manner and extent to which specific groups are affected.

(c) Right-of-way and relocation assistance programs and relocation plans.

(d) The proposed time schedule of project development, including major points of public interest.

* (2) To clearly indicate the organizational unit or units within the Highway Agency to which the public can go for information outlined in paragraph 11b(1), and for assistance to clarify or interpret the information.

(3) To ensure that interested parties, including local governments and metropolitan, regional, State and Federal agencies, and the public have an opportunity to participate in an open exchange of views throughout the stages of project development.

(4) To select and coordinate procedures, in addition to formal public hearings, to be used to inform and involve the public.

(5) To utilize appropriate agencies with area-wide responsibilities to assist in the coordination of viewpoints during project development.

(6) To involve appropriately the organization which is officially established in urbanized areas of over 50,000 population to conduct continuing, comprehensive, cooperative transportation planning (consistent with PPM 50-9 and IM 50-3-71).

12. SYSTEMATIC INTERDISCIPLINARY APPROACH

a. United States Code, Title 42, Section 4332 (National Environmental Policy Act, 1969) requires that agencies use "a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment."

* b. The Action Plan should indicate procedural arrangements and assignments of responsibilities which will be necessary to meet this requirement, including:

(1) The organization and staffing of interdisciplinary project groups which are systematic and interdisciplinary in approach, including the possible use of consultants and representatives of other State or local agencies.

(2) Recruitment and training of personnel with skills which are appropriate to add on a full-time basis, and the development of appropriate career patterns, including management opportunities.

(3) Additional training for present personnel to enhance their capabilities to work effectively in an interdisciplinary environment.

13. DECISIONMAKING PROCESS

a. The process of reaching various decisions on highway improvement projects should be reviewed to assure that it provides for the appropriate consideration of all economic, social, environmental, and transportation factors as required by these guidelines.

b. The Action Plan should identify:

(1) The processes through which other State and local agencies, government officials, and private groups may contribute to reaching decisions, and the authority, if any, which other agencies or government officials can exercise over decisions.

(2) Different decision processes, if any, for various categories of projects (e. g.,

Interstate, Primary, Secondary, TOPICS) and for various geographic regions of the State (e. g., in various urban and rural regions) to reflect local differences in the nature of potential environmental effects or in the structure of local governments and institutions.

(3) The processes to be used to obtain participation in decisions by officials of appropriate agencies in other States for those situations in which the potential social, economic, and environmental effects are of interstate concern.

14. INTERRELATION OF SYSTEM AND PROJECT DECISIONS

a. Many significant economic, social, and environmental effects of a proposed project are difficult to anticipate at the system planning stage and become clear only during location and design studies. Conversely many significant environmental effects of a proposed project are set at the system's planning stage. Decisions at the system and project stages shall be made with consideration of their social, economic, environmental, and transportation effects to the extent possible at each stage.

b. The Action Plan should identify:

(1) Procedures to be followed to:

(a) Ensure that potential social, economic, and environmental effects are identified insofar as practicable in system planning studies as well as in later stages of location and design.

(b) Provide for reconsideration of earlier decisions which may be occasioned by results of further study, the availability of additional information, or the passage of time between decisions.

(2) Assignment of responsibility for ensuring that project studies are effectively coordinated with system planning on a continuing basis.

15. LEVELS OF ACTION BY PROJECT CATEGORY

a. A Highway Agency may develop different procedures to be followed depending upon the economic, social, environmental, or transportation significance of the highway section to be developed. Different procedures may also be adopted for various categories of projects, such as TOPICS, new route locations, or secondary roads, and for various regions of the State, such as urban areas or zones of particular environmental significance.

b. The Action Plan should identify:

(1) The categories which the Highway Agency will use to distinguish the different degrees of effort which under normal circumstances will be devoted to various types of projects.

(2) Assignment of responsibility for determining, initially and in periodic reviews, the category of each ongoing highway project.

(3) Procedures to be followed for each category (including identification of impacts, public involvement, decision process, and other issues covered in these guidelines).

16. RESPONSIBILITY FOR IMPLEMENTATION

Assignment of responsibility for implementation of the Action Plan should be identified.

17. FISCAL AND OTHER RESOURCES

a. An important component of the Action Plan is identification of resources of the Highway Agency and of other agencies required to perform the identified procedures and execute the assigned responsibilities.

b. The Action Plan should identify:

(1) The resources of the Highway Agency (in terms of personnel and funding) that will be utilized in implementing and carrying out the Action Plan.

(2) Resources that are available in other agencies to provide necessary information on social, economic, and environmental effects.

(3) Programs for the addition of trained personnel or fiscal or other resources to either the Highway Agency itself or other agencies.

18. CONSISTENCY WITH EXISTING LAWS AND DIRECTIVES

The Highway Agency should identify and report, either in the Action Plan or otherwise, areas where existing Federal and State laws and administrative directives prevent or hamper full compliance with these guidelines. Where appropriate, recommendations and proposed actions to overcome such difficulties should be described.



R. R. Bartelsmeyer
Acting Federal Highway Administrator

